



DEPARTMENT OF THE ARMY
UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY
UNIT 29351
APO AE 09014-9351

S: 17 May 2004

AEAGA-MPPD

16 April 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USAREUR Sexual Misconduct Awareness Campaign

This memorandum expires in 1 year.

1. References. Enclosure 1 lists references.

2. Purpose. This campaign is being implemented to help prevent sexual misconduct in the Army in Europe through increased awareness and training. This campaign also explains commander responsibilities and provides information on resources available to help commanders if sexual misconduct occurs in their unit.

3. General. Sex crimes and sexual misconduct are incompatible with our Army Values, standards of professionalism, and discipline. The Army Chief of Staff policy on sexual assault, which was published 7 April 2004, reinforces this. Allegations of sexual misconduct will be investigated promptly and impartially and resolved expeditiously. Commanders at all levels are responsible for providing a safe and healthy environment for those in their charge, and must take action to prevent sexual misconduct, protect and support victims, and hold offenders accountable by taking all appropriate administrative and judicial actions based on the facts and circumstances of each case.

4. Background. Rape is the second most-reported felony in the Army in Europe, and the victims and offenders tend to be junior Soldiers. In addition, 76 percent of sexual assault and rape cases occur on-post in the barracks or Government quarters, 74 percent involve alcohol consumption, and 50 percent of rape victims know their attacker. Paragraph 6 provides more facts about sexual assault.

5. Campaign Phases. This campaign has three phases:

a. Phase I: Prevention. This phase is continuous and concentrates on alerting everyone—commanders, unit members, family members, and organizations—of sexual misconduct issues and our responsibilities for preventing misconduct. This phase also involves deterring would-be offenders by ensuring that the consequences of sexual misconduct are known and the judicial process is understood.

b. Phase II: Crisis. This phase begins with notification that a sexual assault has occurred, and concentrates on providing expeditious care and support to the victim. Numerous agencies are available to provide care and support for the victims of sexual assault, including the military police, the Criminal Investigation Division (CID), the servicing staff judge advocate (SJA), the local medical treatment facility (MTF), the unit chaplain, and the unit chain of command.

This memorandum is available at <https://www.aeaim.hqusareur.army.mil/library/>.

Also critical to this phase are the proper and immediate actions by military law-enforcement personnel in conducting a thorough investigation to document all evidence and witness statements pertaining to the crime. On notification that a sexual assault has occurred in a unit, the unit commander will consider the case as genuine, treat the case fairly, and not pass judgment on those involved. This phase is completed once the victim begins phase III.

c. Phase III: Recovery. This phase begins after the victim's immediate health concerns have been addressed and the victim has met with a victim's advocate for sexual assault. Decisive to this phase is rehabilitating the victim and providing victim/witness liaison support needed to keep the victim informed of ongoing investigative and legal processes related to the assault. Local MTFs, in coordination with commanders, will develop a long-term physical and mental care plan for the victim. This phase is continuous and will last as long as the victim indicates that he or she requires care.

6. Facts and Trends.

- a. Rape is an act of power and violence, not sexual desire.
- b. Acquaintance or "date rape" (where the victim knows the attacker) is the most common type of rape.
- c. Rapes often go unreported or are not reported immediately, since victims are often ashamed or afraid that they will not be believed.
- d. Rape and other sexual assaults can occur anywhere and at any time, and can happen to anyone.
- e. Most rape victims are women, but men can also be sexually assaulted.
- f. Rapes often involve a set of similar circumstances. Alcohol consumption and unlocked barracks rooms often are common factors.
- g. Drinking, the wear of suggestive clothing, fear, anger, and flirting do not justify sexual assault.
- h. Everyone has the right to say "no" whenever he or she wants. This applies even if one first says "yes" and then changes his or her mind.
- i. Trend analysis and awareness training can help reduce the threat of rape.

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j. Sexual assaults generally occur on weekends (Fridays and Saturdays) between 0100 and 0500.

k. Offenders tend to be—

- (1) In the grades of private through specialist.
- (2) 17 to 31 years old.
- (3) Married.
- (4) Assigned to combat-arms units.

l. Victims tend to be—

- (1) Family members (spouse or child).
- (2) In the grades of private through specialist.
- (3) 17 to 31 years old.
- (4) Married, with the spouse frequently deployed.
- (5) Assigned or attached to support units.

m. All of us can and should take steps to avoid becoming victims of sexual assault. This includes avoiding or limiting our consumption of alcohol, dating with care, and protecting ourselves by following good quarters-security and street-safety measures.

7. Definitions.

a. Sexual Assault. Sexual assault refers to offenses of a sexual nature committed without the lawful consent of the victim. These offenses, which are punishable as crimes under the Uniform Code of Military Justice (UCMJ), include rape (Article 120), forcible sodomy (Article 125), and assault with intent to commit rape or sodomy; indecent assault; and attempts to commit any of these offenses.

(1) Rape: An act of sexual intercourse with another individual by force without the individual's consent.

(2) Forcible Sodomy: Unnatural copulation with another individual by force without the individual's consent. This may involve people of the same or opposite sex. Penetration, however slight, is sufficient to meet the definition of this offense.

(3) Indecent Assault: An attempt or offer with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, to gratify one's sexual desire.

b. Sexual Harassment. Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; is used as a basis for career or employment decisions affecting that person; or has the purpose or effect of unreasonably interfering with an individual's performance, or creates an intimidating, hostile, or offensive environment.

c. Victim's Advocate. A victim's advocate is an active voice in the community on behalf of victims of sexual assault. The purpose of victim advocacy is to preserve the victim's integrity and autonomy, and to provide support and information to victims throughout the investigative and case-review process.

d. Victim/Witness Legal Liaison. The victim/witness legal liaison serves as the primary POC at SJA offices in each general court-martial convening authority (GCMCA) jurisdiction through which victims and witnesses may obtain information and help with obtaining available victim/witness services. The victim/witness legal liaison provides information to the victim's advocate on legal matters and ongoing legal actions related to the sexual assault.

8. Responsibilities.

a. The USAREUR G1 will—

(1) Serve as the proponent for the USAREUR Sexual Misconduct Awareness Campaign (phase I).

(2) Ensure that sexual-misconduct awareness training is incorporated into the inprocessing training center (ITC) program of instruction (POI) (phase I).

(3) Require personnel returning from Operation Iraqi Freedom, Operation Enduring Freedom, and other deployed missions to watch a video on sexual misconduct as one of their pre-redeployment tasks (phase I).

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(4) Plan, coordinate, and execute the briefing to the CG, USAREUR/7A, on the USAREUR Sexual Misconduct Awareness Campaign plan (phase I).

(5) Present the approved campaign plan to the CG Board of Directors on 20 April 2004 (phase I).

(6) In conjunction with the HQ USAREUR/7A staff, develop and maintain a USAREUR Sexual Misconduct Web site (all phases).

(7) Establish a sexual-misconduct coordination cell in the HQ USAREUR/7A Equal Opportunity Office to monitor the execution of this campaign (phase I).

(8) Update the USAREUR Individual Reintegration Checklist (AE Form 600-8-109A) to incorporate the requirements of this campaign (phase I).

b. The HQ USAREUR/7A Equal Opportunity Office and the Equal Employment Opportunity Office, USAREUR, will—

(1) Continue to work with commanders to ensure the workplace is free of sexual harassment (all phases).

(2) Continue to implement mentorship programs for newly arrived equal opportunity advisers (EOAs) (phase I).

(3) Continue to institutionalize the Sexual Harassment Workbook in prevention of sexual harassment (POSH) training throughout the Army in Europe (phase I).

(4) Continue to certify EOAs in mediation duties and procedures for informal sexual-harassment complaints (phase I).

(5) Maintain a sexual-harassment prevention program that addresses current sexual-harassment issues and incorporates lessons learned from previous programs and incidents (phase I).

(6) Expand POSH training to include sexual-misconduct awareness (phase I).

(7) Provide an instructor for the USAREUR Pre-Command Course to teach sexual-harassment and sexual-misconduct awareness training (phase I).

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c. The USAREUR G3 will—

(1) In conjunction with the HQ USAREUR/7A staff and Seventh Army Training Command, reintroduce equal opportunity and equal employment opportunity training into the POI for all commander and leader training courses (for example, the USAREUR Pre-Command Course, Rear Detachment Commander's Course, Company Commander/First Sergeant Course, Primary Leadership Development Course) and ensure instruction includes the USAREUR standard sexual harassment/assault awareness training briefings (phase I).

(2) Be prepared to task resources as necessary to meet shortfalls identified to support this campaign (all phases).

d. The USAREUR G8, in conjunction with HQ USAREUR/7A staff offices; the United States Army Installation Management Agency, Europe Region Office (IMA-Europe); and the United States Army Europe Regional Medical Command (ERMC); will be prepared to expedite and provide resources to support this campaign.

e. The Office of the Chaplain, HQ USAREUR/7A, will—

(1) Advise commanders on ministry resources available to help victims (all phases).

(2) Develop material addressing the ministry to traumatized individuals and distribute this material to all unit ministry teams (UMTs) (all phases).

(3) Develop and execute training on sexual misconduct during USAREUR Ministry Team Leadership Training (MTLT) (phase I).

(4) Provide initial counseling and pastoral care to victims (phase II).

(5) Provide Family Life chaplains who have been trained to give long-term pastoral care and guidance to the victims and offenders of sexual misconduct (phase III).

f. The Office of the Chief, Public Affairs (OCPA), HQ USAREUR/7A, will—

(1) Handle media requests for information concerning the USAREUR Sexual Misconduct Awareness Campaign. All media requests must be sent through the OCPA.

(2) Plan and support full internal and external coverage of sexual-misconduct awareness and related activities with the IMA-Europe public affairs office and with community and subordinate tactical public affairs offices (phase I).

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(3) Revise the USAREUR Homepage to provide ready access to issues and links relating to sexual-misconduct awareness (phase I).

(4) Prepare a command information and public affairs program that provides the USAREUR position on sexual misconduct and ensures that both male and female Soldiers have a full understanding of this issue. This program should include providing appropriate directives, documentation, and information to the chain of command, and running aggressive public affairs spots on American Forces Network, in the Stars and Stripes newspaper, and other media (phase I).

(5) In conjunction with Visual Information Services, Europe (VISE) Media and the HQ USAREUR/7A staff, serve as the staff lead for updating the Sexual Misconduct Awareness Training video (phase I). This video will be made available through all local training support centers to help unit commanders conduct sexual misconduct awareness training.

g. The Office of the Judge Advocate (OJA), HQ USAREUR/7A, will—

(1) Coordinate, publish, and maintain USAREUR policy regarding the Victim/Witness Liaison Program (phase I).

(2) Develop a standard briefing to address UCMJ actions for sexual misconduct and the legal and career consequences for offenders (phase I).

(3) In conjunction with the Office of the Provost Marshal (OPM), HQ USAREUR/7A, advise commanders on their roles and responsibilities in cases of the sexual assault in their unit (phase II).

(4) Provide victim/witness liaisons to victim's advocates who are capable of addressing the status of ongoing legal actions related to sexual assaults (phase III).

h. The OPM will—

(1) In conjunction with CID, develop and execute procedures to keep the USAREUR G1 aware of all incidents of sexual misconduct, issues, and ongoing actions (all phases).

(2) Maintain and periodically report statistics on sexual misconduct incidents and include this information in the Strategic Readiness Update (SRU) (all phases).

(3) Conduct assessments of barracks and provide these assessments to commanders for use in preventing incidents of sexual misconduct (phase I).

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(4) In conjunction with CID, instruct commanders on how to identify “high-risk” Soldiers, both victims and perpetrators (phase I).

(5) In conjunction with CID, monitor and update trends on sexual misconduct victims and offenders annually or when trends indicate a significant change (phase I).

(6) Develop and coordinate a commander’s “battle drill” for handling incidents of sexual misconduct (phase I).

(7) Provide training to military police and CID teams on responding to incidents of sexual misconduct (phase I).

(8) In conjunction with CID, respond immediately and provide support as needed to handle reported cases of sexual misconduct (phase II). The CID will inform local EOAs of any sexual misconduct cases where the victim indicates sexual harassment was a precursor to the misconduct (phases II and III).

(9) Track the timely return of copies of DA Form 4833 from commanders (phase III).

i. ERMCM will—

(1) Provide victim’s advocates for sexual-assault victims (all phases).

(2) Establish the ERMCM Sexual Assault Review Board (SARB). The SARB will oversee the medical management of sexual-assault victims (phase I).

(3) Develop guidance to help commanders support victims of sexual assault (phase I).

(4) Develop a sexual-assault awareness training briefing designed to help train Soldiers, family members, and civilians (phase I).

(5) In conjunction with the USAREUR G1 and the OPM, develop a contact roster that identifies community agencies and subject-matter experts on sexual misconduct and assault (phase I).

(6) Be prepared to provide subject-matter experts and support to help base support battalion (BSB) reintegration coordinators give sexual-assault awareness training during the reintegration of redeploying Soldiers (phase I).

(7) Be prepared to provide subject-matter experts and train-the-trainer support to USAREUR major subordinate commands to help commanders provide sexual-assault awareness training in their units (phase I).

(8) Provide counseling for sexual-assault victims and their families (phase II).

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(9) Develop and execute individualized, long-term mental and physical health-care plans for victims (phase III).

(10) In conjunction with the USAREUR G1 and 1st Personnel Command (1st PERSCOM), make recommendations on permanent change of station (PCS) reassignments for victims recovering from sexual assault (phase III).

j. Commanders of USAREUR major subordinate commands will—

(1) Conduct mandatory POSH training as prescribed by AR 600-20 using the interactive USAREUR Equal Opportunity (EO) Sexual Harassment Workbook. Sexual harassment and misconduct training must be given to all Soldiers (including commanders) and assigned DA civilians twice a year. Commanders are also encouraged to conduct sensing sessions in their units. Commanders should use these sessions as additional opportunities to inform Soldiers of the underlying causes of sexual misconduct and to improve their understanding of, belief in, and determination to uphold our Army values.

(2) Incorporate sexual-assault awareness training into POSH training and ensure that all Soldiers (including commanders) and assigned DA civilians attend. The sexual harassment (POSH) and misconduct training package targeted at leaders should be used to reinforce and build on the mandatory POSH training. This package provides leaders an opportunity to jointly review, discuss, and implement necessary changes to unit policy and procedures (phase I).

(3) Develop action plans as necessary to implement the requirements identified in this campaign plan by 14 May 2004 and forward these plans to the USAREUR G1 (EO) by 17 May 2004.

(4) In coordination with EOAs, offer and encourage mediation for resolving informal sexual-harassment complaints (phase I).

(5) Be prepared to provide subject-matter experts and support to help BSB reintegration coordinators give sexual-misconduct awareness training as a pre-block leave requirement during the reintegration of redeploying Soldiers (phase I).

(6) Conduct a command climate survey within 90 days after assuming command and annually thereafter according to AR 600-20 (phase I).

(7) Develop unit contingency plans for sexual-misconduct incidents that specifically address both victim and offender issues (phase I).

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(8) Inform Soldiers of the legal consequences and career implications of committing acts of sexual violence (phase I).

(9) In conjunction with local SJAs, post policy letters in common areas that address sexual misconduct and its consequences (phase I).

(10) Identify Soldiers who have potential drinking problems (heavy drinking is a leading precursor to sexual assault) (phase I).

(11) Review barracks safety policy and procedures and concentrate on reducing unnecessary risks to Soldiers residing in the barracks (phase I).

(12) Include training on sexual-misconduct preventive measures and barracks safety for new arrivals during unit inprocessing (phase I).

(13) In conjunction with the appropriate medical and legal authorities, respond immediately and provide support as needed to handle reported cases of sexual misconduct (phase II).

(14) Complete DA Form 4833 after a sexual offense occurs to record actions taken against identified offenders. Commanders will send DA Form 4833 to the local military law-enforcement agency within 45 days. If unable to complete DA Form 4833 within 45 days due to pending disciplinary or administrative action, the commander must prepare a memorandum explaining the reasons for the delay and send it to the local law-enforcement agency (phase III).

k. IMA-Europe will—

(1) Ensure ASGs and BSBs, in conjunction with commanders, inspect facilities for security and safety, and prioritize the resolution of deficiencies in each military community (all phases).

(2) In conjunction with the USAREUR G1, incorporate the Sexual Misconduct Awareness Training video into the ITC POI (phase I).

(3) In conjunction with ERMIC, provide family readiness groups (FRGs) sexual-misconduct awareness and informational materials as requested to help educate members of FRGs on issues such as date rape, trends, facts, actions to take if an incident occurs, and community resources available to help victims (phase I).

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(4) In conjunction with rear detachment commanders (RDCs) and ERMIC, offer sexual misconduct awareness training to spouses as part of the reintegration process available to family members (phase I).

(5) In conjunction with RDCs and ERMIC, provide sexual misconduct awareness training to redeployed Soldiers undergoing reintegration (phase I).

(6) Train employee-assistance program coordinators in the referral process for incidents of sexual misconduct (phase I).

1. The Department of Defense Dependents Schools - Europe will—

(1) Help the Family Advocacy Program (FAP) and ERMIC by identifying suspected and alleged cases of child abuse, neglect, and sexual abuse, and referring these cases to the local FAP officer or MTF for appropriate intervention and treatment (all phases).

(2) Provide training on and encourage student awareness of child abuse, neglect (physical and sexual misconduct or abuse and child neglect), and sexual harassment through the established health curriculum at all grade levels (phase I).

(3) Provide school-based training for teachers and school nurses on the detection, intervention, and reporting of child sexual abuse (phase I).

(4) Coordinate with ERMIC to request counselors for children affected by sexual abuse (phase II).

9. Handling Cases of Sexual Misconduct.

a. When a formal sexual harassment complaint has been made, commanders, in conjunction with EOAs, must complete both DA Form 7279-R and the USAREUR Addendum to DA Form 7279-R (encl 2).

b. Confidentiality must be maintained and rumors controlled throughout the entire investigative process. At no time before the completion of the investigation will the commander or unit members discuss issues related to the incident, the alleged offender, or the victim outside official channels.

c. When the commander considers it appropriate to reassign the offender or the victim to another unit, the commander will work expeditiously with the individuals involved and 1st PERSCOM to coordinate reassignment options.

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d. If during the course of a victim's recovery (phase III) it is determined that a victim is not medically or emotionally prepared for a PCS move because of the trauma inflicted during a sexual assault, ERMCM will inform 1st PERSCOM and request that this be considered in determining when to reassign the individual.

e. To make Soldiers aware of the career consequences of sexual misconduct, commanders, in conjunction with SJAs, EOAs, and equal opportunity leaders, may use public bulletin boards to post the outcome of sexual harassment cases as well as notifications of punishment under Article 15 of the UCMJ. The names and social security numbers of the individuals involved must be blocked out if these items are posted.

10. Enclosures. The enclosures to this memorandum provide more information on sexual misconduct and the campaign plan. The USAREUR Sexual Misconduct Awareness Web site at <http://www.per.hqusareur.army.mil/sexualmisconduct> also provides additional resources that may be used to increase awareness and provide assistance to victims.

11. Sexual Misconduct Council. To reinforce the serious nature and importance I place on the implementation of this campaign, I will conduct a Sexual Misconduct Council meeting with all commanders (brigade-level and above) in the coming weeks.

12. Summary. The purpose of this campaign is to eliminate sexual misconduct from the Army in Europe. I expect all commanders and staff agencies to adhere to the guidelines in this campaign, and to execute their assigned responsibilities to standard. Our effectiveness and success depend on three key elements: the execution of a vigorous public affairs and command information plan, innovative training that reinforces existing medical and legal policy and programs, and concerned leaders taking an active role. Encourage and instruct your subordinate leaders to aggressively execute their inherent responsibilities outlined in this campaign. We must empower our first-line supervisors to lead in the tradition of the Warrior Ethos, and we must support them, through our enduring and vocal confirmation of Army Values, with the strong command leadership they deserve. In the end, we will aggressively attack this problem from both sides: the criminal who perpetrates the crime as well as the victim who is in need of compassionate and responsive care.



B. B. BELL
General, USA
Commanding

7 Encls

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Enclosures

1. References
2. AE Command Policy Letter 29, Prevention of Sexual Harassment
 - Tab A. DA Poster 600-4, Equal Opportunity/Sexual Harassment Complaint Process
 - Tab B. DA Form 7279-R and USAREUR Addendum to DA Form 7279-R
 - Tab C. Formal Complaint Interview Form
 - Tab D. Formal Complaint Checklist
 - Tab E. USAREUR/7A EO Program Mediation Guidance
 - Tab F. Equal Opportunity Complaint Process
 - Tab G. Preventing and Addressing Sexual Harassment Employee Guide
 - Tab H. Sexual Harassment Workbook
3. Victim's Rights
4. Public Affairs Plan
5. Commander's Tips to Create a Safe Barracks
6. Sexual Assault Prevention Tips
7. Commander's "Battle Drill"

REFERENCES

DOD Publications

Uniformed Code of Military Justice

DOD Directive 1030.1, Victim and Witness Assistance

Department of Defense Education Activity Regulation 2050.9, Department of Defense Education Activity Family Advocacy Program Process and Procedures for Reporting Incidents of Suspected Child Abuse and Neglect (http://www.odedodea.edu/foia/iod/pdf/2050_9.pdf)

Army Regulations

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 27-10, Military Justice

AR 190-45, Law Enforcement Reporting

AR 195-2, Criminal Investigation Activities

AR 600-8-2, Suspension of Favorable Personnel Actions (Flags)

AR 600-20, Army Command Policy

AR 600-85, Army Substance Abuse Program

AR 608-18, The Army Family Advocacy Program

Other References

FM 19-20, Law Enforcement Investigations

FM 100-14, Risk Management

TB MED 293, Procedures for Medicolegal Examinations in Alleged Sex Crimes

The Army Chief of Staff Policy on Sexual Assault, 7 April 2004

Army Handbook, Sexual Assault – Prevention and Response

Family Advocacy Program Victim Advocate Manual

Army in Europe Publications

AE Command Policy Letter 29, Prevention of Sexual Harassment, 4 May 2003

Bell Sends Message #14-04, Sexual Assault, 19 March 2004

Memorandum, HQ USAREUR/7A, AEAPM, 4 March 2004, subject: Sexual Assault

Web Sites

U.S. Department of Justice Web site

<http://www.ojp.usdoj.gov/vawo/welcome.html>

United States Army Office of the Surgeon General HOOAH 4 HEALTH Web site

<http://www.hooah4health.com/prevention/injurytrauma/sexualassault.htm>

National Sexual Violence Resource Center Web site

<http://www.nsvrc.org>

USAREUR Sexual Misconduct Web site

<http://www.per.hqusareur.army.mil/sexualmisconduct>

Forms

DA Form 268, Report to Suspend Favorable Personnel Actions (Flag)

DA Form 3881, Rights Warning Procedure/Waiver Certificate

DA Form 4833, Commander's Report of Disciplinary or Administrative Action

DA Form 7279-R, Equal Opportunity Complaint Form

AE Form 600-8-109A, USAREUR Individual Reintegration Checklist



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY
OFFICE OF THE COMMANDING GENERAL
UNIT 29351
APO AE 09014-9351

AEAEO

4 May 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army in Europe Command Policy Letter 29, Prevention of Sexual Harassment

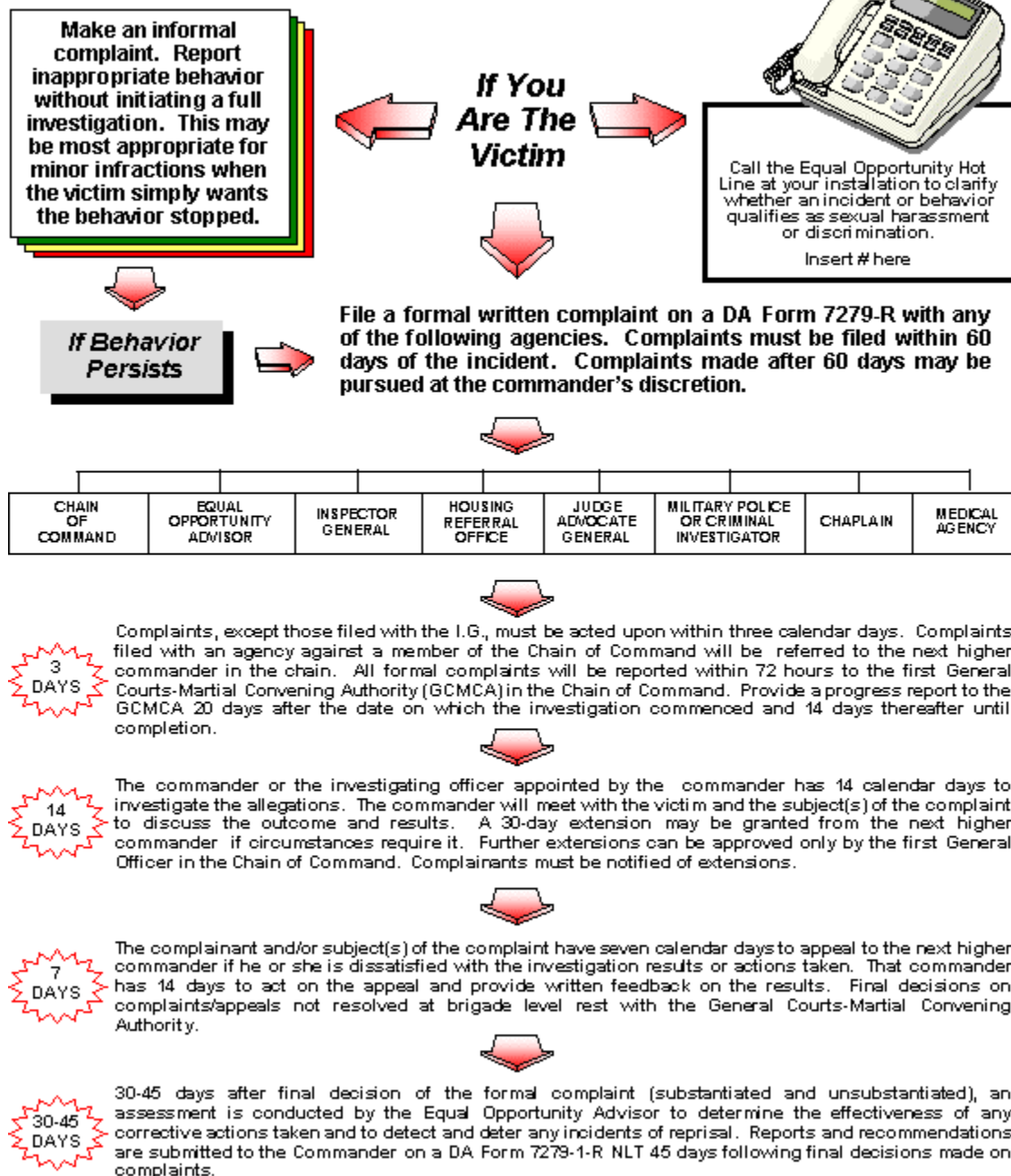
1. Reference AR 600-20, Army Command Policy, 13 May 2002.
2. I am committed to ensuring that soldiers, civilian employees, and family members live and work in an environment free from sexual harassment. Leaders at every level must be committed to creating and maintaining an environment that promotes productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness.
3. Prevention of sexual harassment is everyone's responsibility. Every soldier, civilian employee, and family member is responsible for treating one another with dignity and respect. Leaders have a special responsibility: they prevent sexual harassment by setting an example of how to treat others and by creating an environment conducive to good order and discipline. This applies both on and off post.
4. Allegations of sexual harassment must be taken seriously and investigated promptly. Individuals who feel that they are being sexually harassed should seek relief at the lowest level and request assistance from their chain of command, equal opportunity office, or equal employment opportunity office. Complaints should be referred to the chain of command, but may also be made through other channels, such as inspector general, provost marshal, chaplain, or staff judge advocate. Commanders will ensure that individuals who feel they are being sexually harassed are permitted to file complaints without fear of intimidation, harassment, or reprisal.
5. Sexual harassment will not be practiced, condoned, or tolerated. Commanders will ensure that everyone understands this policy.


B. B. BELL
General, USA
Commanding

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Encl 2

EQUAL OPPORTUNITY / SEXUAL HARASSMENT COMPLAINT PROCESS



EQUAL OPPORTUNITY COMPLAINT FORM <small>For use of this form, see AR 600-20; the proponent agency is DCSPER</small>			
PRIVACY ACT STATEMENT			
AUTHORITY:	Title 10, USC Section 3013, Secretary of the Army: Army Regulation 600-20, Army Command Policy and E.O. 9397 (SSN)		
PRINCIPAL PURPOSE:	To provide a means for filing complaint based on discrimination due to race, color, religion, or national origin.		
ROUTINE USES:	None		
DISCLOSURE:	Voluntary; However, failure to provide all the requested information could lead to rejection of complaint for inadequate data.		
1. NAME	2. RANK	3. SSN	4. UNIT
5. RACE/ETHNIC GROUP		6. GENDER	7. DATE (YYYY/MM/DD)
PART I - COMPLAINT			
8a. NATURE OF COMPLAINT. <i>(Give, in as much detail as possible, the basis for your complaint; describe the incident/behavior(s) and date(s) of the occurrence(s); the names of parties involved, witnesses, and to whom it may have been previously reported; plus, any additional information that would be helpful in resolving your complaint. Attach additional sheets, as needed.)</i>			
8b. REQUESTED REMEDY. <i>(What do you think the final outcome should be?)</i>			
9a. AFFIDAVIT. I, _____ have read or have had read to me this statement which begins on this page (<i>page 1</i>) and ends on page _____. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections. I made the statement without threat of punishment, and without coercion, unlawful influence, or unlawful inducement. <div style="text-align: right; margin-right: 100px;">_____ <i>(Signature of Person Making Statement)</i></div> Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at _____. <div style="display: flex; justify-content: space-between;"> <div>_____ <i>(Signature of Person Administering Oath)</i></div> <div>_____ <i>(Typed/Printed Name of Person Administering Oath)</i></div> </div>			
9b. AGENCY RECEIVING COMPLAINT. I acknowledge receipt of this complaint from _____ (<i>name/rank</i>) of _____ (<i>unit</i>) on _____ (<i>date</i>). I understand I have 3 calendar days (<i>next drill period for reserve soldiers</i>) in which to refer this complaint to the appropriate commander of the complainant.			
9c. NAME	9d. GRADE	9e. DATE (YYYY/MM/DD)	
9f. AGENCY		9g. SIGNATURE	

10a. ACKNOWLEDGEMENT. I acknowledge receipt of this complaint, on behalf of <i>(complainant's name)</i> _____, submitted to me by <i>(name, rank, alternative agency)</i> _____ on _____. I understand I have 14 calendar days <i>(3 weekend drill periods for Reserve components)</i> in which to initiate an investigation into the complaint, implement a plan to prevent reprisal, complete the investigation, and inform the complainant of the results of that investigation. All formal complaints will be reported within 72 hours to the first GCMCA in the chain of command.		
10b. NAME	10c. GRADE	10d. DATE (YYYY/MM/DD)
10e. ORGANIZATION	10f. SIGNATURE	
PART II - RESULTS OF INVESTIGATION		
11a. I <i>(name of commander)</i> _____ reviewed the report of investigation into your allegations. I <input type="checkbox"/> concur <input type="checkbox"/> nonconcur with the findings of the investigating officer. I find that your allegations are: <input type="checkbox"/> substantiated <input type="checkbox"/> unsubstantiated. I base my decision on the following points:		
11b. SIGNATURE OF COMMANDER		11c. DATE (YYYY/MM/DD)
PART III - ACTIONS TO RESOLVE COMPLAINT		
12a. The command has done <i>(or will do)</i> the following actions to resolve this complaint and continue to prevent acts of reprisal:		
12b. ADVISEMENT TO COMPLAINANT: You have the right to appeal these actions to resolve your complaint. You will have 7 days <i>(next weekend drill for Reserve components)</i> to submit your appeal in writing. If you elect not to appeal, your case is considered closed. If you decide to appeal, state the basis of, or grounds for, your appeal in the space below. I will refer your appeal to the appellate authority, who will review your case and provide you feedback when that review is completed.		
12c. SIGNATURE OF COMMANDER		12d. DATE (YYYY/MM/DD)
12e. ACKNOWLEDGEMENT BY THE COMPLAINANT AND SUBJECT(S) OF THE COMPLAINT OF FINDINGS, FEEDBACK, AND APPEALS OPTIONS <div style="display: flex; justify-content: space-between;"> <div>_____ <i>(Signature of Complainant)</i></div> <div>_____ <i>(Date)</i></div> </div> <div style="display: flex; justify-content: space-between;"> <div>_____ <i>(Signature of Subject(s) of Complaint)</i></div> <div>_____ <i>(Date)</i></div> </div>		
FOR ADDITIONAL SUBJECT(S) OF COMPLAINT, USE A BLANK SHEET OF PAPER.		
PART IV - APPEAL		
13a. I elect to appeal the outcome of my complaint for the following reasons:		
<input type="checkbox"/> Continuation sheet(s) is attached <input type="checkbox"/> Continuation sheet(s) is not attached		
13b. COMPLAINANT'S SIGNATURE		13c. DATE (YYYY/MM/DD)
13d. I have reviewed the complaint file, the investigative findings, and other information regarding this case. My findings are:		
13e. SIGNATURE OF APPELLATE AUTHORITY		13f. DATE (YYYY/MM/DD)
13g. I acknowledge being counseled concerning the outcome of this appeal.		
13h. SIGNATURE OF COMPLAINANT		13i. DATE (YYYY/MM/DD)

USAREUR ADDENDUM TO DA FORM 7279-R

1. **Military Whistleblower Protection Act.** The commander will establish and implement a plan to protect the complainant, any named witnesses, and the alleged perpetrator from acts of reprisal. The Commander will discuss with the aforementioned personnel the definition of reprisal with examples of such behavior; the Army's policy prohibiting reprisal; the complainant's rights and extent of Whistleblower Protection afforded complainants, witnesses, and the alleged perpetrator; encourage all aforementioned individuals to report incidents and or reprisal; the consequences of reprisal; possible sanctions against violators; a reminder of the roles and responsibilities of the leadership in the prevention of reprisal and protection of all parties involved. (AR 600-20, Paragraph E-4c(1)).
2. A formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Formal complaints are subject to timelines, require specific actions, and require documentation of the actions taken. (AR 600-20, Paragraph E-1b(1)). Soldiers have 60 calendar days from the date of the alleged incident to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a full and fair inquiry or investigation can be conducted. (AR 600-20, Paragraph E-1 b(5))
3. Upon receipt of a complaint, the commander will ensure that the complainant has been sworn to the complaint (Block 9a, DA Form 7279-R). If not, the commander will administer the oath and annotate it on the complaint form. The commander will fill out block 10a acknowledging receipt of the complaint form. All formal complaints will be reported within 72-hours to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command. Additionally, the commander will provide a progress report to the GCMCA authority 20 days after the date on which the investigation commenced and 14 days thereafter until completion. (AR 600-20, Paragraph E-4a)
4. If the Commander initiates a 15-6 investigation or administers adverse actions against the subject or complainant (if paragraph 10 applies) the soldier or soldiers must be flagged. (AR 600-8-2, Paragraphs 1-11, 1-12a, and 2-1)
5. Charges of Sexual Misconduct are to be processed through legal/law enforcement channels, not equal opportunity channels. (AR 600-20, Paragraph 7-9)
6. **Confidentiality.** The person or agency receiving the complaint may be able to resolve the issue while maintaining the confidentiality of the complainant, as in the case of the Chaplain or lawyer. While maintenance of confidentiality should be attempted, it will neither be guaranteed nor promised to the complainant by agencies other than the Chaplain or a lawyer. (AR 600-20, Paragraph E-1(3))
7. Substantiated formal complaints require a "Does not support EO" on the NCOER (Block IVa) or the OER (Blocks IVa/5 and IVb). This documentation includes administering appropriate administrative, disciplinary, or legal actions(s) to correct inappropriate behavior. (AR 600-20, Paragraph 6-3c)
8. **Appeals Process (Paragraph E-8).** If the complainant perceives the investigation failed to substantiate the allegations, or that the actions taken by the command on his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in his or her chain of command. The complainant may not appeal the action taken against the perpetrator, if any is taken. If subject(s) of the complaint perceive the investigation has failed to reveal all relevant facts to prove his or her innocence, he or she has the right to appeal to the next higher commander in his or her chain of command.
9. **Final Resolution Appeal Process (AR 600-20, Paragraph E-9):** Complaints that are not resolved at brigade level may be appealed to the General Courts-Martial Convening Authority. The only exception to this is where organizations have Memorandums of Understanding or Support that delegate Uniform Code of Military Justice authority to local commander. Decisions at this level are final.
10. **Actions Against Soldiers Submitting False Complaints (AR 600-20, Paragraph E-12).** Soldiers who knowingly submit a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the UCMJ.
11. **Identification of Criminal Act.** If, when interviewing any soldier, including the alleged perpetrator, the investigating officer reasonably suspects that the individual has committed an offense in violation of the UCMJ, the investigating officer must advise the soldier of his/her rights under Article 31, UCMJ. Investigating officers should consult with their servicing judge advocate or legal adviser before giving Article 31 rights warnings, and should record the suspect's election on DA Form 3881 (Rights Warning Procedure/Waiver Certificate). (AR 600-20, Paragraph E-6f)
12. **Follow-up Assessment.** The Equal Opportunity Adviser (EOA) will conduct a follow-up assessment of all formal equal opportunity and sexual harassment complaints, both for substantiated and unsubstantiated complaints, 30 to 45 calendars days following the final decision rendered on the complaint. (AR 600-20, Paragraph E-10)
13. I have read and fully understand the above statements.

Signature of Complainant/Date	
Signature of Subject/Date	
Signature of EO Adviser/Date	
Signature of Commander/Date	
Signature of Investigating officer/Date	

FORMAL COMPLAINT INTERVIEW FORM

Date initiated: _____

Complainant's name: _____

Unit: _____

Basis of complaint (for example, sexual harassment, racial discrimination): _____

Put a check next to items that best explain why you elected to file a formal complaint. This document will not be used to violate your rights under the Whistleblower Protection Act.

<input type="checkbox"/>	I do not trust using the informal complaint process.
<input type="checkbox"/>	I used the informal complaint process and never received feedback from the command.
<input type="checkbox"/>	I used the informal complaint process and disagreed with the findings.
<input type="checkbox"/>	I reported the incident to my supervisor and nothing was done.
<input type="checkbox"/>	I reported the incident to my chain of command and nothing was done.
<input type="checkbox"/>	My supervisor is part of the problem.
<input type="checkbox"/>	My chain of command is part of the problem.
<input type="checkbox"/>	I prefer using the formal complaint process to handle this complaint.
<input type="checkbox"/>	This is the only way for me to bring this issue to the senior-level commander's attention.
<input type="checkbox"/>	I want to give the lowest-level commander the opportunity to resolve my complaint.
<input type="checkbox"/>	Other:

EOA name and signature: _____

FORMAL COMPLAINT CHECKLIST

Actions of Alternate Agencies and the Commander on Receipt of Complaint

- ▶ A soldier, family member, or DA civilian wishes to file an equal opportunity (EO) complaint.
- ▶ The alternate agency interviews and informs the complainant of the complaint process using the addendum. If the complainant chooses to make a formal complaint, the alternate agency determines why using the formal complaint interview form.
- ▶ Ensure the infraction took place within the last 60 calendar days according to AR 600-20.

NOTE: If the infraction did not occur within the last 60 calendar days, advise the complainant that the commander has the right to refuse to consider the complaint.

- ▶ The complainant completes DA Form 7279-R, including the *Requested Remedy* section in part I.
- ▶ Any commissioned officer that swears in the complainant on DA Form 7279-R must sign block 9a with the complainant in the appropriate place.
- ▶ The alternate agency receiving the complaint must sign block 9g of the DA Form 7279-R.
- ▶ The commander acknowledges receipt of the complaint by signing block 10f of the DA Form 7279-R.
- ▶ The commander notifies the general court-martial convening authority by memorandum or e-mail within 72 hours after receiving the complaint, and must provide a progress report 20 days after the date on which the investigation begins and 14 days thereafter until completion.
- ▶ The commander speaks with the complainant and the subject of the complaint, informs the complainant and the subject of their rights, initiates a reprisal plan, and has the complainant and subject sign the addendum.
- ▶ The commander makes an inquiry or investigates the complaint personally, or appoints an investigation officer who conducts an investigation. The investigation must be made within 14 calendar days after the complaint is received. If this timeline cannot be met, the commander will request in writing a 30-day extension. **Any further extensions must be approved in writing by the first general officer in that chain of command.**
- ▶ The commander's reprisal prevention plan is completed in writing and is included within the investigating officer packet.

NOTE: Immediately after the commander receives the complaint, the equal opportunity adviser will enter the information into the EO database and update the database until the case is closed. Any investigation (informal or formal) is considered an unfavorable action that mandates a flagging action (code A) on DA Form 268 according to AR 600-8-2 (para 1-11).

Timeliness of Action

- ▶ Investigation completed within 14 calendar days (this includes providing a written response to the complainant and the subject of the complaint about the outcome of the case).
- ▶ Extension requested from the next higher commander in memorandum format. (Extensions are usually not for more than 30 days.)

Commander informs complainant of extension.

Extension duration.

Reason for extension.

Commander informs subject of extension.

Extension duration.

Reason for extension.

- ▶ Commander provides periodic feedback to the complainant and the subject of the complaint throughout the process.

NOTE: Failure to adhere to the prescribed timelines will result in automatic referral of the complaint to the next-higher echelon commander for investigation and resolution.

Conduct of the Investigation

- ▶ Investigating officer is on appointment orders.
- ▶ The investigating officer is given the DA 7279-R with original signatures and a list of allegations to be investigated.
- ▶ The investigating officer reviews AR 15-6 before beginning the investigation.
- ▶ The investigating officer reviews AR 600-20 (chaps 6 and 7, and app E).
- ▶ The investigating officer meets with the servicing staff judge advocate or legal advisor to review investigation procedures before starting the investigation.
- ▶ The investigating officer meets with the equal opportunity adviser before the investigation to develop questions to address before starting the investigation. (The investigating officer will meet with the staff judge advocate before and after meeting with the equal opportunity adviser for developing of questions.)
- ▶ The investigating officer interviews every individual who has first-hand knowledge of the facts concerning the allegations.

- ▶ The investigating officer interviews the person receiving the complaint.
- ▶ The investigating officer interviews the complainant.
- ▶ The investigating officer interviews any named witnesses.
- ▶ The investigating officer interviews the alleged subject of the complaint.
- ▶ The investigating officer notes concerns or observations about unit policy, procedures, individual leadership, or management techniques that may have a negative effect on the unit climate and foster discriminatory behavior or a hostile environment.
- ▶ The investigating officer provides recommendations consistent with his or her findings.
- ▶ The equal opportunity adviser reviews the investigating officer's report before submitting it to the commander.
- ▶ The equal opportunity adviser attaches a memorandum documenting his or her review and recommendations.

Documents Included in the Investigating Officer's Final Report

- ▶ Appointment orders for the investigating officer.
- ▶ The original DA Form 7279-R with attached continuation sheet, if needed; addendum; and executive summary.
- ▶ The original completed and initialed commander's reprisal plan.
- ▶ The original DA Form 268.
- ▶ The list of questions developed by the equal opportunity adviser and the investigating officer.
- ▶ Statements or synopsis of interviews conducted.
- ▶ Copies of all supporting documents.
- ▶ Description or assessment of unit policy or procedures that may contribute to perceptions of unlawful discrimination or sexual harassment in the unit.
- ▶ A written explanation of extenuating circumstances that prevented the investigating officer from interviewing any named witnesses, complainants, or alleged subjects.
- ▶ Written approval of any extensions.
- ▶ A memorandum documenting the equal opportunity adviser's review of the investigative report with recommendations.

Actions of the Commander on Receipt of the Investigation Report

- ▶ The commander submits the investigative report to the staff judge advocate for determination of legal sufficiency.
- ▶ The results of the investigation are annotated in block 11a of DA Form 7279-R.
- ▶ The commander takes corrective actions to prevent reoccurrence of discriminatory behaviors.
- ▶ The commander addresses leadership and management issues or other contributing factors that caused the allegations to be raised.
- ▶ The commander annotates actions taken (or pending) in block 12a of DA Form 7279-R. (Specific actions taken against the subject will not be annotated on the form.)
- ▶ The commander examines the cause of the complaint and determines that the complaint is unsubstantiated.
- ▶ Actions to resolve the complaint concentrate on changing inappropriate behaviors of the subject and avoid targeting the complainant.
- ▶ The commander provides written feedback to the complainant and the subject discussing the results of the investigation, corrective actions taken, and the appeals process.
- ▶ The commander ensures that the complainant signs block 12e acknowledging that actions taken (or pending) by the commander, or the chain of command, were discussed with the complainant and the subject.
- ▶ The investigation results are provided to the complainant and subject according to the Freedom of Information Act, as requested.

Appeals Process

- ▶ Appeals must be submitted within 7 calendar days.
- ▶ The appeal must be submitted on DA Form 7279-R, part IV, to the commander conducting the original complaint.
- ▶ The appeal is referred to the next higher commander within 3 calendar days.
- ▶ The appeal authority completes the investigation and provides written feedback to the complainant and the subject discussing the results of the appeal, corrective actions taken, and the appeals process.

NOTE: The complainant or subject can appeal the outcome of the DA Form 7279-R findings based on the lack of or insufficient evidence, not the course of action or punishment rendered.

Follow-Up Assessment

- ▶ The equal opportunity adviser will conduct a follow-up assessment of all formal complaint 30 to 45 days after the final decision is made.
- ▶ The equal opportunity adviser will assess everyone included in the reprisal plan, but annotate the complainant's resolution feedback on DA Form 7279-1-R, which is maintained by the lowest level equal opportunity adviser.
- ▶ The equal opportunity adviser will present findings and recommendation of this assessment to the commander within 15 calendar days.

Documentation and Reporting of Formal Complaints

- ▶ The subject's equal opportunity adviser will file the entire complaint packet after the case is closed and retain records of cases according to the Army Records Information Management System for 2 years after the date of the final decision.
- ▶ The equal opportunity adviser will input all formal complaints in the command on quarterly narrative and statistical reports.

Equal Opportunity Adviser _____

Company Commander _____

Investigating Officer _____

Other Notes _____

USAREUR/7A EO PROGRAM - MEDIATION GUIDANCE

Effective 19 Nov 02

Purpose: To provide implementation guidance to EOAs/PMs for the adapting mediation for use in the informal complaint process within USAREUR/7th Army.

Overview of Mediation: The prompt resolution of informal complaints at the lowest level of the chain of command enhances morale, combat readiness and mission accomplishment. Mediation is an option that, in appropriate cases and with the consent of both parties, may be used to facilitate communications between the disputants and lead to the early resolution of informal complaints to the satisfaction of the disputants. The use of mediation as a process to resolve complaints is mentioned in AR 600-20, Appendix E a (4). The mediation process merely adds another powerful tool at the informal stage for EOAs and commanders to resolve complaints.

Screening Complaints for Mediation: Not all EO complaints are appropriate for mediation. The following criteria are to assist EOAs in determining suitability to use mediation process.

-Mediation is not appropriate if the complaint appears to be severe in nature and better suited to command administrative or UCMJ action.

-Mediation should not be used if it will have a negative impact on unit morale, mission accomplishment or combat readiness.

-Some cases may not fit the design of mediation, use your professional judgment, and consult your CSM, Commander, and/or contact USAREUR EO for further guidance.

Limited Confidentiality of Complaint Mediations: The EOA will advise the disputants that information received by the mediator during private sessions and caucuses will not, without the consent of the party concerned, be revealed during a joint session. The disputants will also be advised that mediation records, documentation or information will be disclosed for official purposes only.

Rules of Engagement: Below are rules that will be applied regarding the mediation process in USAREUR/7th Army.

-Both parties will be educated on the mediation process. Lasting agreement are often achieved and a win-win situation is created where both parties are best able to get back to work in a professional manner. Again, the focus is on resolving conflict quickly and promoting unit readiness and cohesion. Getting both parties together will often result in relatively simple problems that are miscommunications between parties that may be quickly solved.

-Mediation will only be used if both parties, respondent and complainant, agree to this ADR process.

-Mediation process does not prevent a commander from taking action against either party. Commanders may always exercise the right to punish, train and administer administrative sanctions. However, if an agreement is reached at the informal level, it is much more likely to stop at this level.

-EOAs will use USAREUR/7th Army form UR-EO form #1 for all agreements achieved through mediation. A copy will be provided to each party and one copy maintained by the EOA. This form may be hand written or typed and must be signed by both parties and the EOA at the conclusion of mediation. This form (part III) will be used when no agreement is reached.

-Commanders will be briefed on the outcome when the mediation process is used.

-Mediation does not prevent a complainant from filing a formal complaint within the 60 day period should the agreement fail.

-Mediation session will be conducted in a location that ensures the utmost privacy and absent of interruptions.

-EOAs will terminate the mediation process when cases reach an impasse or deadlock and cannot be resolved to the satisfaction of the disputants. Advise the disputant of alternative informal processes and formal process.

-EOAs will terminate the mediation process if any illegal conduct is admitted and advise the commander. Keep in mind it is common for both parties to be accusatory; your EOA is as a neutral and therefore, the EOA should strive to facilitate discussion and ultimately, resolution. Additionally, research indicates that many complaints that don't reach an agreement between respondent and complainant are not pursued.

Follow-Up: EOA will follow up all mediation cases at least 30 days after resolution of the complaint to ensure reprisal does not occur and parties are adhering to agreement.

Minimum EOA Training Requirements to Use Mediation Process:

EOAs will attend a mediation course consisting of a minimum of 20 hours of professional training. Consult the USAREUR EO office for a listing of courses offered.

Case File Management: EOA will destroy all notes regarding the mediation upon completion of process. EOA will retain a copy of UR EO Form # 1 for a period of 2 years.

Commander Advisement: EOAs will include the following information in the QNSR. Indicate the number of informal complaints where mediation was used and annotate if an agreement was reached. Also, indicate those informal mediation cases that became formal complaints. This information must be provided to USAREUR EO to assist in validating this pilot program.

MEDIATION PROCESS

Part I - Agreement to Mediate

The parties voluntarily agree to engage in the mediation process. The parties understand that the mediator (EOA) has no authority to decide the case and is not acting as an advocate for any party. The parties understand that they have a right to have a representative assist them during the mediation process.

Mediation is authorized only to dispose of complaints at the informal stage. Any documents submitted to the mediator and statements are intended for the resolution purposes. The mediator will maintain confidentiality when possible; however, information will be disclosed for official purposes only. The mediator will not reveal information revealed during private sessions with either party without their permission.

The mediator will destroy all notes taken during the mediation process. The only record of the process will be this completed form.

No admission of guilt or wrongdoing is implied, and none should be inferred, by participating in this process. Both parties will work in good faith to resolve complaint.

By signature, we acknowledge that we have read, understand and agree to use the mediation process to resolve the complaint.

Complainant: _____ **Date:** _____

Respondent: _____ **Date:** _____

Mediator: _____ **Date:** _____

UR EO Form # 1

(Page 1 of 3)

“FOR OFFICIAL USE ONLY”

Part II –Mediation Agreement

Respondent agrees to the following:

Complainant agrees to the following:

Complainant: _____ **Date:** _____

Respondent: _____ **Date:** _____

Mediator: _____ **Date:** _____

UR EO Form # 1

(Page 2 of 3)

“FOR OFFICIAL USE ONLY”

Part III – No Agreement Reached

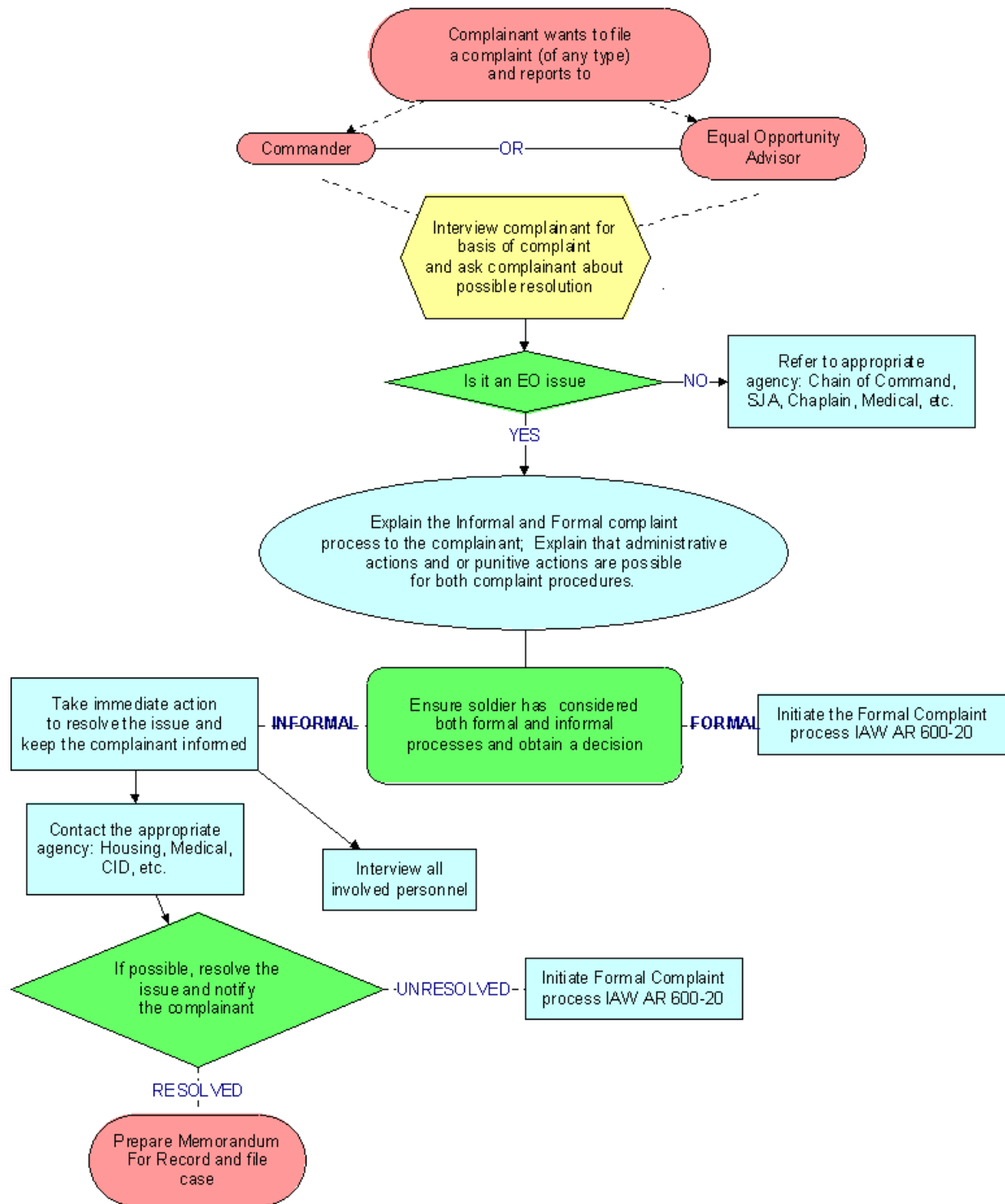
Complainant: _____ **Date:** _____

Respondent: _____ **Date:** _____

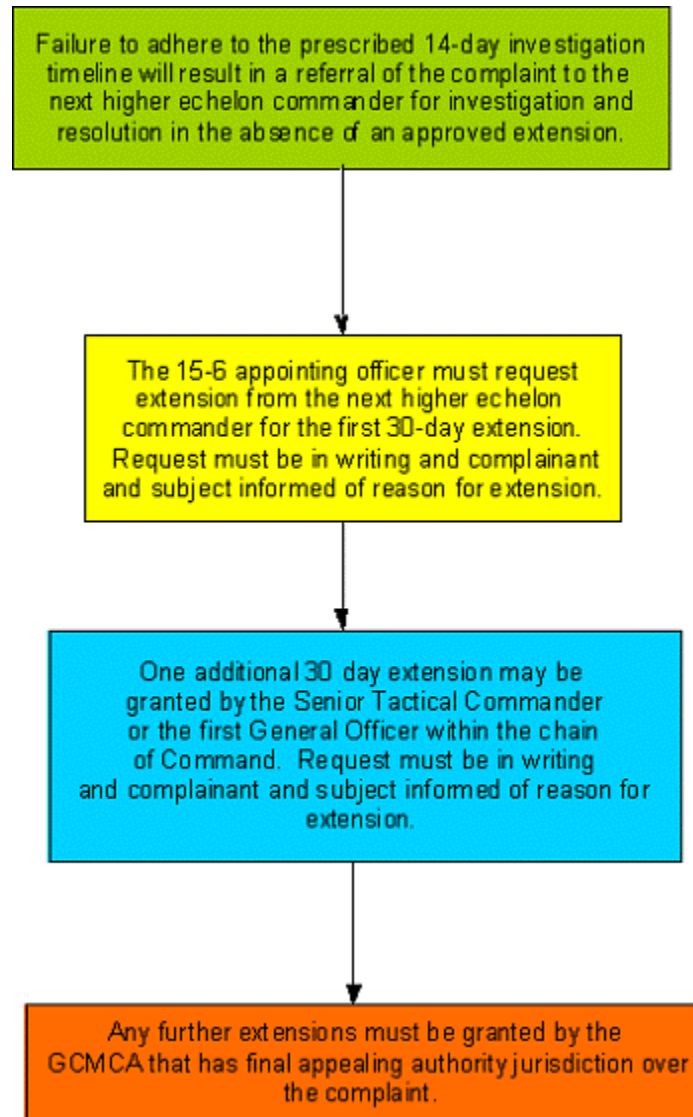
Mediator: _____ **Date:** _____

UR-EO Form # 1
(Page 3 of 3)

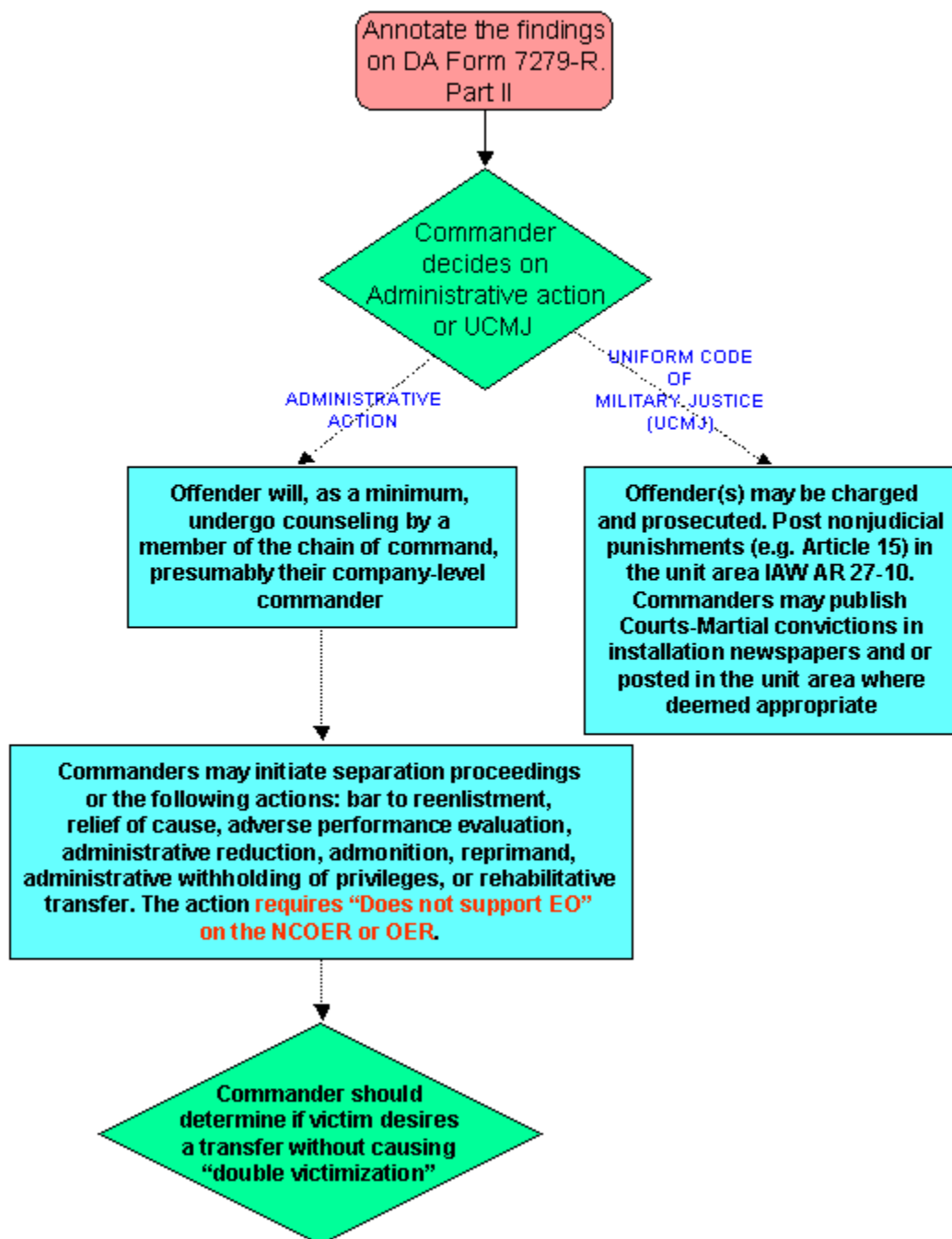
EQUAL OPPORTUNITY COMPLAINT PROCESS



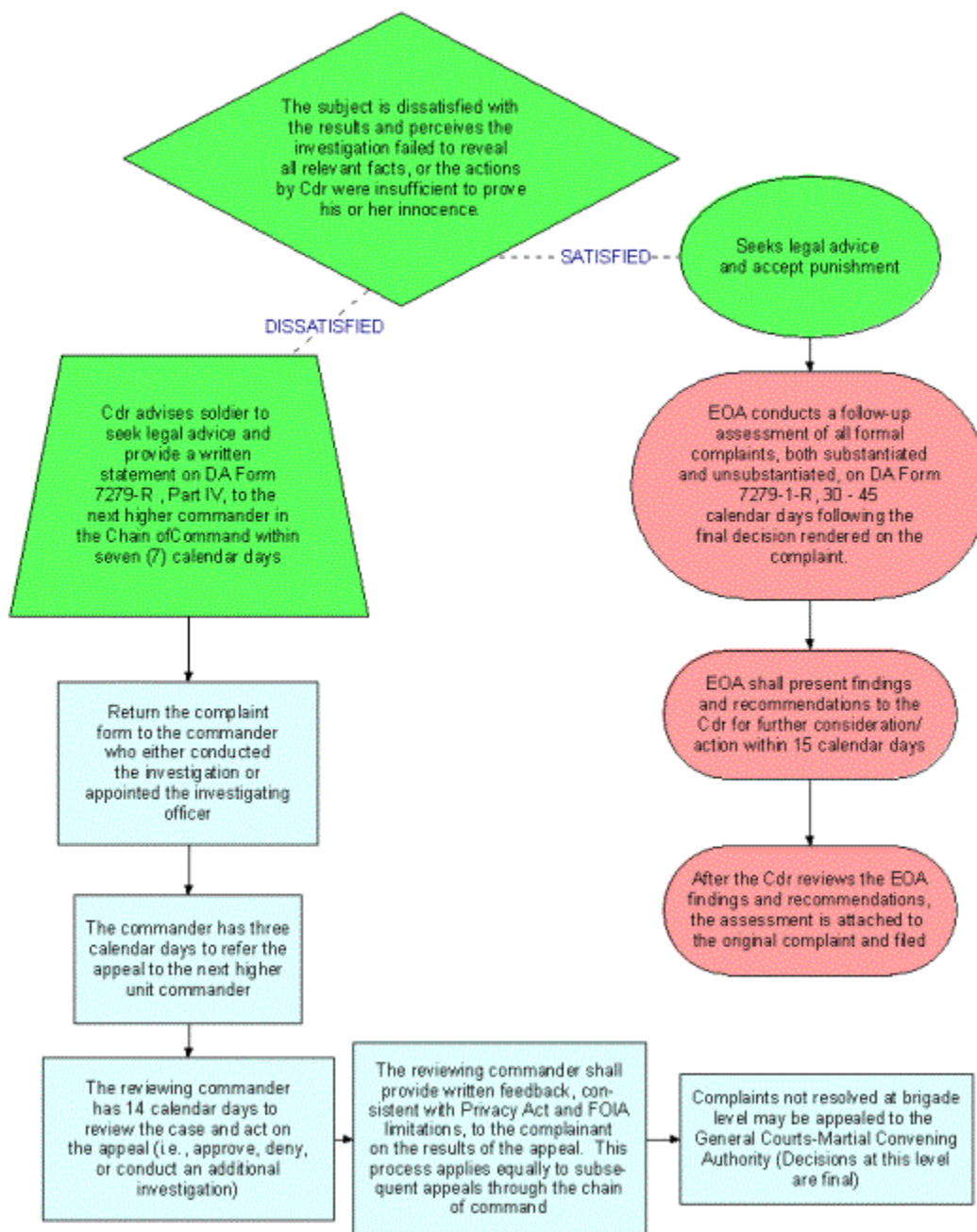
DA 7279-R Timeline Extension Process



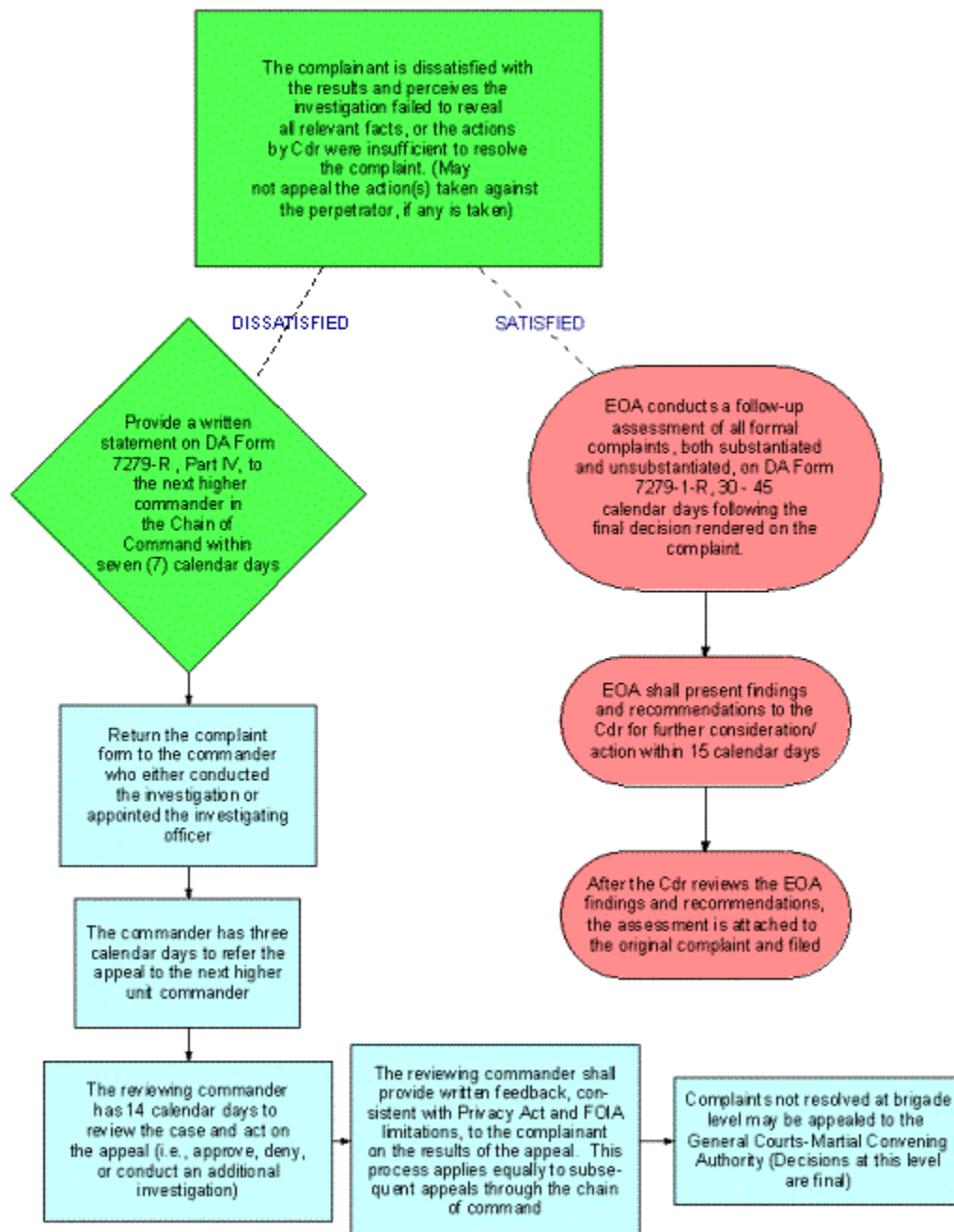
ACTIONS UPON SUBSTANTIATED COMPLAINT(S)



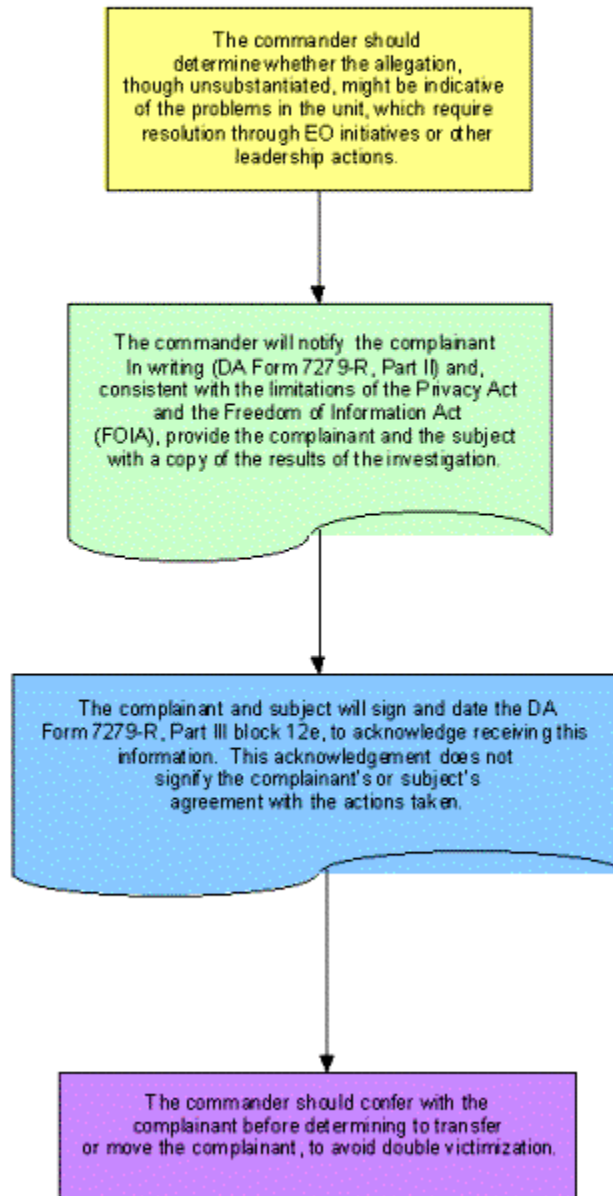
SUBJECT'S FORMAL COMPLAINT APPEALS PROCESS



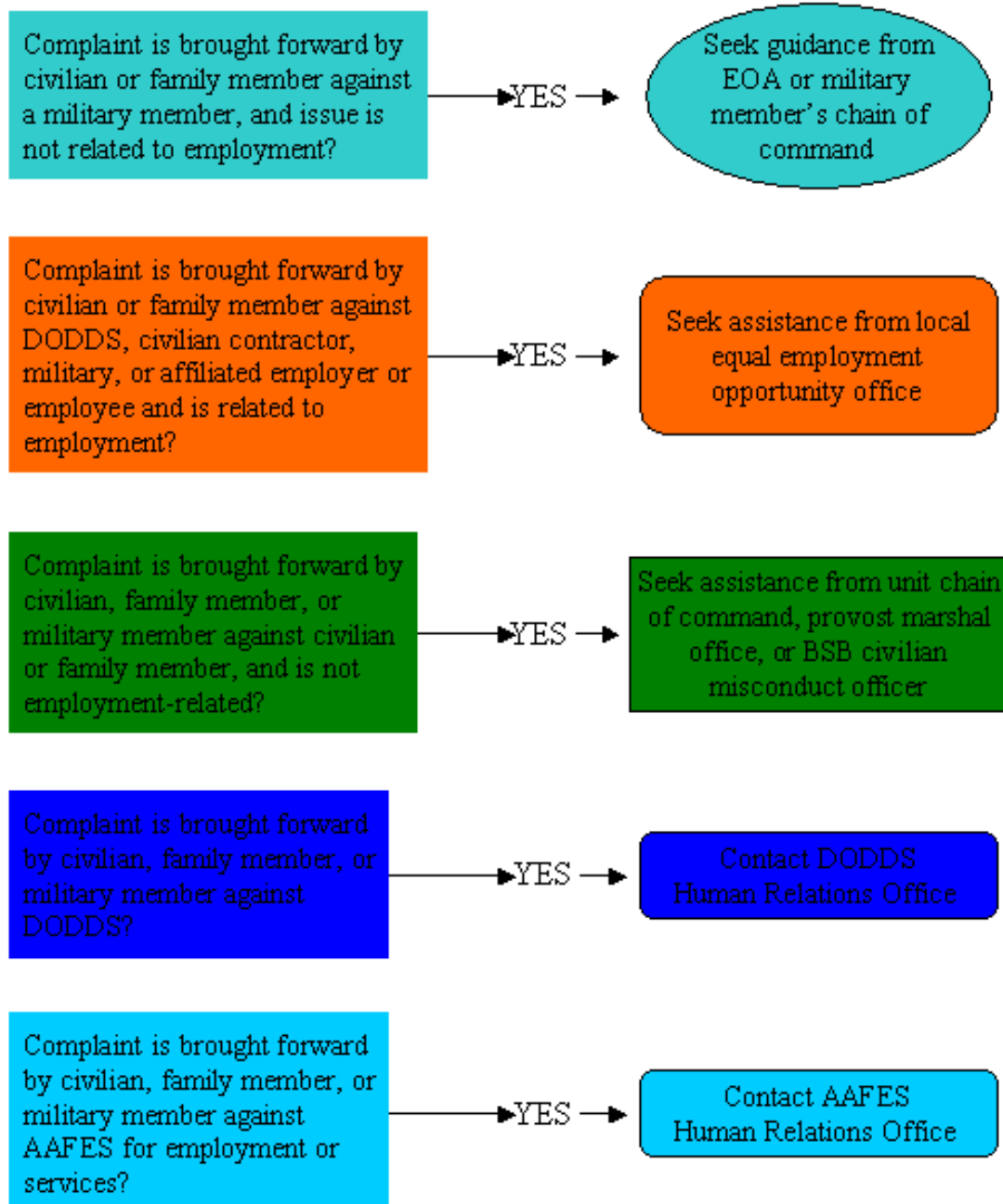
COMPLAINANT'S FORMAL COMPLAINT APPEALS PROCESS



ACTIONS UPON AN UNSUBSTANTIATED COMPLAINT



Equal Opportunity Complaints by Civilians and Family Members in the Army in Europe



Preventing & Addressing

Sexual Harassment

Employee Guide

Equal Employment Opportunity

HEADQUARTERS, U.S. ARMY, EUROPE,
AND SEVENTH ARMY
Office of Equal Employment Opportunity
Campbell Barracks, Building 16
DSN: 370-8771, Civilian: 49-6221-57-8771

Preventing & Addressing

SEXUAL HARASSMENT

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Personal Behavior Checklist	12

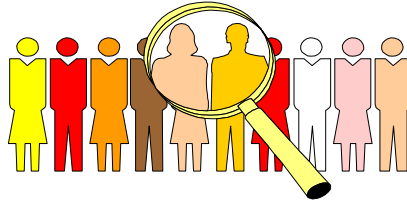
For more information please contact:

**Office of Equal Employment Opportunity
Campbell Barracks, Building 16
DSN: 370-8771
Civilian: 49 6221-57-8771
Hours: Mon-Fri, 0730-1630 hours**

SEXUAL HARASSMENT

There are both obvious and hidden costs in dealing with sexual harassment. There are complaints, investigations and lawsuits, plus high turnover, absenteeism, public image, safety, and efficiency concerns.

Please take a look at your work environment. What may appear on the surface to be “just good humor” or “harmless fun” can hide a troublesome, unpleasant, degrading and expensive case of sexual harassment in the making. This handbook will alert you to the warning signs, point out potential problem areas, and show you ways to stop sexual harassment before it begins....and to handle it effectively if and when it ever occurs.



THE LAW SAYS



Sexual harassment is not only destructive behavior, *IT IS AGAINST THE LAW.*

The Federal Government has issued guidelines on sexual harassment, which state that sexual harassment is illegal under Title VII of the Civil Rights Act of 1964. The regulation states that:

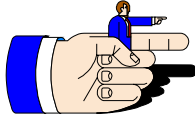
“Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive work environment.”

The law does not differentiate between the sexes.

Other laws governing sexual harassment for civilian personnel are:

1. 29 Code of Federal Regulations, Part 1604.11
2. 10 U.S. Code Section 1561
3. Title IX of the Education Amendment of 1972
4. Executive Order 11246
5. Title V, Part 735, Code of Ethics
6. Army Regulation 690-600
7. EEOC Guidance – Management Directive 110
8. Office of Personnel Management Guidance
9. Legal Precedent/Case Law
10. Local Policy

WHAT TO DO IF YOU ARE A VICTIM



- 1. BE ASSERTIVE.** Confront the harasser at the first sign of trouble. Do not hint. Without smiles, evasion, or apologies, let the harasser know the behavior is unwelcome and offensive. If you can't do it alone, ask a friend to witness your discussion with the harasser.
- 2. REPORT INCIDENT(S) TO YOUR SUPERVISOR.** Let your supervisor know about the incident(s). The supervisor's responsibility is to facilitate an environment free of sexual harassment. He or she must exercise reasonable care to prevent or promptly correct any sexually harassing behavior.
- 3. FILE A COMPLAINT.** Civilians should contact the Equal Employment Opportunity Office (EEO) to file a complaint of discrimination. Military personnel should contact the installation's Equal Opportunity (EO) Office.
- 4. KEEP A JOURNAL.** Document all incidences of sexual harassment. Keep a record of the harasser's behavior with dates, times, and places. Detail all the circumstances to include the names of witnesses. Get witnesses to document what they heard or saw.
- 5. GET A STRONG SUPPORT SYSTEM.** Any victim of sexual harassment will more than likely experience stress. Talk to your friends, relatives, spouse, or minister.

WHAT TO DO IF YOU OBSERVE SEXUAL HARASSMENT

Document all incidents.

Keep detailed accurate notes, specifying dates, times, places, etc.

Share observations with the victim(s) and appropriate officials.

If you are aware of other individuals whom the harasser has harassed, let the victim(s) know. Do not openly discuss what you witnessed with uninvolved individuals.

Report it to proper officials.

POINTS OF CONTACT



U.S. Civilian Employees

Equal Employment Opportunity Office
Campbell Barracks, Building 16

DSN: 370-8771
Civilian: 49 6221 57 8771

Military Personnel

Equal Opportunity Office
Campbell Barracks, Building 16

DSN: 370-8337
Civilian: 49 6221 57 8337

SEX ROLE STEREOTYPING

DEFINITION: A stereotype is a fixed, unchanging idea about someone or something which may have little relationship to actual fact.

DEFINITION: A sex role stereotype is a fixed idea about how men behave and how women behave.

Everyone has stereotypes; most often they have to do with people. Stereotypes are learned as a result of experience, or most often, are learned in childhood from parents, teachers, and the surrounding social environment.

Stereotypes arise from human anxiety or fear, about the unknown, untried new experiences or situations. People become anxious when they do not know what is expected of them or what to expect from other people. To reduce personal anxiety, a person will take any experience they have had before, or take someone else's experience, and project that knowledge into a new situation, then react in a way they think is appropriate. Being armed with this so-called knowledge (stereotype), they are not afraid of a new situation with new people.

THE DANGER IN STEREOTYPING IS THAT INSTEAD OF REACTING OR BEHAVING NATURALLY IN A SITUATION, THE INDIVIDUAL WILL REACT OR BEHAVE ACCORDING TO THE STEREOTYPE. STEREOTYPED VIEWS CAN LEAD TO DISCRIMINATION.

Stereotyping can affect our performance of duties. Male and female supervisors, and male and female employees or military personnel who act according to sex role stereotypes can interfere with the proper assignment and accomplishment of work.

Example: A woman was not selected for a job because the boss felt women are not aggressive enough.



SEX DISCRIMINATION

SEX DISCRIMINATION IS ANY PRACTICE OR POLICY THAT RESULTS IN DIFFERENTIAL TREATMENT OF AN INDIVIDUAL BECAUSE OF HIS OR HER SEX.

In an employment situation, showing favoritism toward or bias against any worker because of gender is sex discrimination. An exception to the requirement of equal treatment without regard to sex is permissible only if sex is a bona fide occupational qualification (BFOQ), which means sex, is necessary for authenticity, genuineness, or the normal operation of the job (wet nurse).

Except in specific examples, one may assume that sex is not a BFOQ. An employer cannot claim that only a man can be hired as a department head because the employer believes employees take direction better from a man, or that only a woman can be hired as a flight attendant because the employer thinks the public expects a woman in that job.

SEXUAL HARASSMENT DEFINED

The Department of the Army defines sexual harassment as:

1. Influencing, offering to influence, or threatening the career, pay, or job of another person — woman or man — in exchange for sexual favors.
2. Deliberate and repeated offensive comments, gestures or physical contact of a sexual nature in a work or work related environment.

This policy applies to all civilian and military personnel, and is based on the Equal Employment Opportunity Commission's guidelines on sexual harassment. These guidelines clearly state that actions constitute sexual harassment when:

1. Submission to such conduct becomes explicitly or implicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
3. Such conduct has the purpose or the effect of interfering with work performance or creates an intimidating, hostile or offensive work environment.

TWO TYPES OF HARASSMENT

“Quid Pro Quo” and “Environmental or Hostile Work Environment”

“Quid Pro Quo” harassment occurs when “submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.”

An example of “quid pro quo” harassment is a supervisor requesting sex from an employee in exchange for a promotion.

Sexual jokes, teasing, comments, sexual innuendoes, or the presence of suggestive posters or other objects may create a hostile or intimidating work environment.

A hostile work environment may be created by the sexual involvement of a supervisor and an employee he or she supervises.

KEY QUESTIONS



Does the situation involve a behavior?



Is the behavior sexual, or gender based?



Is the behavior unwelcome?

UNACCEPTABLE BEHAVIORS

Behaviors that are always unacceptable include:

- Physical contact that includes touching, pinching, patting, kissing, rubbing up against, fondling, groping, grabbing, or assault.
- Verbal sexual advances or propositions.
- Sexually suggestive or obscene letters, notes, invitations, or e-mail.
- Making or using sexual, derogatory comments, epithets, slurs, and jokes.
- Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.
- Displaying sexually oriented pictures.
- Using sexually oriented screen savers on your computer.
- Verbal abuse of a sexual nature, including graphic comments about an individual's body, or sexually degrading words to describe an individual.
- Unwanted sexual advances or attention.
- Obscene or sexual suggestive sounds.
- Obscene or suggestive gifts.

WHO'S RESPONSIBLE FOR STOPPING SEXUAL HARASSMENT

Sexual harassment is behavior directed at a specific person.

By advising the harasser that telling dirty jokes, showing sexually explicit magazines, commenting on your physical appearance, touching you, or asking you out is inappropriate behavior, you place the responsibility on the harasser to stop the behavior(s).

Once you place the responsibility on the harasser, that person is required to stop. If he or she does not stop, or if other people counsel you that you are too sensitive and should be able to take a joke, then you are being targeted because the harasser and/or other individuals are indicating that your rights and feelings do not count.

When targeting occurs, the organization has the absolute responsibility to intervene. If your efforts are not successful or you are in a situation where it is difficult for you to speak up, use your chain of command or contact the EEO Office.

The organization has the responsibility for preventing and dealing with sexual harassment. Supervisors who know or should have known of sexual harassment are responsible for taking appropriate action. Sexual harassment constitutes misconduct for which disciplinary action is appropriate. It is one of the charges listed on the Table of Penalties.

Circumstances, which may constitute sexual harassment, cover a broad range of behaviors that can be abusive and even criminal in nature. When abusive behavior includes elements of extortion, assault and battery, or sex crimes, supervisors have the responsibility for referring the matter to the proper authorities for further investigation/prosecution.

PERSONAL BEHAVIOR CHECKLIST



Maintaining a work environment free from sexual harassment behavior is important for maximum productivity, teamwork and high morale.

Examine personal behavior using the following checklist:

1. Does this behavior adversely affect mission accomplishment?
2. Could this behavior offend or hurt other coworkers?
3. Could this behavior be misinterpreted as intentionally harmful or harassing?
4. Could this behavior be sending out signals that invite harassing behavior on the part of others?



Ask Yourself the Following Questions:

1. Is there equal participation between me and the person I'm interacting with?
2. Is there equal power between me and the person I'm interacting with?
3. Would I want any of these behaviors to appear on the six o'clock news?
4. Would I behave this way if my family, spouse, girlfriend, boyfriend, or minister were present?
5. Would I want someone else to behave this way toward my husband, wife, son, daughter, boyfriend, or girlfriend?

IF YOU ANSWERED NO TO THESE QUESTIONS, THE BEHAVIOR(S) ARE PROBABLY INAPPROPRIATE AND MAY CONSTITUTE SEXUAL HARASSMENT.

EQUAL

OPPORTUNITY



SEXUAL HARASSMENT

WORKBOOK

INTRODUCTION TO SEXUAL HARASSMENT TRAINING

Army Regulation 600-20, chapters 6, 7, and appendix E, provide guidance for training and processing complaints concerning sexual harassment. Complainants are authorized to file complaints against Soldiers, DA civilians, and their family members from six areas: discrimination or disparate treatment based on race, color, national origin, religion, gender, and sexual harassment. Out of the six complaint areas, sexual harassment accounts for almost 50 percent of the total complaints at Department of the Army and USAREUR levels with an average 67-percent substantiation rate.

Military personnel have been attending Prevention of Sexual Harassment (POSH) training for years; attendees, however, had very little opportunity to participate in discussions, because the training was typically taught using noninteractive slide presentations. Facilitation-lead training has proven to be more effective, because it removes the instructor from the traditional teaching role to a more discussion-oriented role. This workbook is designed to transform training from a teaching method to a facilitation-based, interactive discussion session.

Have you ever wondered why people complain? This workbook will help senior leaders and junior leaders recognize policy and behaviors that affect unit morale and Soldier readiness.

We must realize that the intent of a message, whether written, verbal or physical is totally separate from its effect on the receiver. Understanding similarities is great. However, people do not complain about similarities. Individuals complain about actions and policy that trigger remnants of past actions and behaviors.

This is your workbook. There are two note-taking sheets located on the last two pages. Use these note-taking pages to record comments and thoughts that you may want to discuss or remember. Your participation is critical to the success of this workshop. Thank you for your cooperation.

<p>ATTENTION EQUAL OPPORTUNITY ADVISERS: An instructional guide and interactive CD-ROM to complement and assist in the administration of POSH Training using this Workbook is available from the USAREUR Equal Opportunity Office, DSN 370-6851/8656.</p>
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DEVELOPING POLICY

1. What factors should commanders consider when developing policy that affects people?

THE INTERPRETATION MODEL

Most Soldiers complain when they feel they are not being heard. This could be based on unclear policy or unexplained expectations by their leaders. Whatever the case, the overwhelming reason is perception. Soldiers react to policy, behaviors, and situations that cause them to recall their “internal baggage.”

OVERT	I v I		O	INTENT Versus IMPACT
C	A		C	A
OVERT: LEADERSHIP STYLE, EXPECTATIONS, AND POLICY ARE UNDERSTOOD			INTENT VERSUS IMPACT: LEADER COMMUNICATES HIS OR HER POLICY, BUT IS UNAWARE OF ITS EFFECT ON OTHERS	
O	I v I		O	I v I
COVERT	A		C	ABSENT
COVERT: LEADER CREATES POLICY THAT IS NOT EXPLAINED, REVEALED, NOR UNDERSTOOD BY THOSE IT AFFECTS			ABSENT: NO POLICY TO REFERENCE OR INTERPRET A WHIM: ACTION WITHOUT THOUGHT OR REASON	

SEXUAL HARASSMENT

2. What is the definition of sexual harassment?

3. What does a person have to do for you to consider yourself sexually harassed? Please be specific.

4. What behaviors would you consider sexual harassment when exhibited toward your spouse or significant other? Please be specific.

5. Do you think you would react differently to an offender based on his or her grade and your position (senior or subordinate)? Please explain your answer.

THIRD-PARTY SITUATION

Two friends (coworkers)—a male and female—had lunch together at a nearby restaurant. When they returned to their place of employment, the female coworker said to her male counterpart, “Hold on, I want to give you my home telephone number.” She grabbed a yellow sticker notepaper from her desk, wrote down the number, and stuck it on the male’s chest. The telephone number exchange happened in an office environment.

Do you consider the female’s behavior a violation of sexual harassment? What is your assessment of the female’s behavior, as a third party? How would you perceive the situation if the gender roles were switched?

6. List as many types of discrimination that you can identify.

7. Name the two types of sexual harassment:

8. Name the forms of sexual harassment:

SITUATION 1

A female Soldier was attending an EO class on Prevention of Sexual Harassment (POSH) during her inprocessing into the new command. Before the class ended, she tells the class and the EOA that other female Soldiers have made sexually explicit comments to her on several occasions. The female Soldiers were accused of saying, "I sure want some of you," and "I am going to get some of that." The newly assigned female said she felt helpless because of the "Don't Ask, Don't Tell" policy. She feels the "Don't Ask, Don't Tell" policy causes an injustice for heterosexual Soldiers. She asked the instructor and other inprocessing personnel for advice.

What advice would you give her? What steps would you take, as the commander, to remedy this type of behavior? Is this an EO issue?

SITUATION 2

A male NCO and female SPC were on guard duty together in one of seven towers that surround an installation. During their duty, the two Soldiers talked about guard duty, their families, and the Army. The NCO asked the SPC if she was seeing anyone on a personal level. The SPC said she was involved with someone back in the States. At some point during the conversation, the NCO motioned for the SPC to come where he was by using his fingers. She crossed the room and when she got to where he was sitting, he stated, "I just wanted to see if I could make you come with my fingers." The SPC felt uncomfortable with the comment, but did not reply. Throughout the rest of the guard shift the NCO made several references to how good the SPC looked in her uniform. He also stated that he would really like to get his "freak-on" with her. Before they left the guard tower, at the end of the shift, the NCO stated that he was glad that she wasn't someone who would run to EO or the command over "just a little fun." The following day, the SPC went to the 1SG and told her what happened.

What is your recommendation?

SITUATION 3

A female Soldier was attached under TDY orders to an all male unit during a 6-month deployment to assist with the S6 operations. Three months into the deployment, the NCOIC of the section reported to you and stated that he didn't want a female working in his area. He stated that she is a discipline problem. Soldiers from other areas of the task force are calling to talk to her on the telephone constantly about other than official business. Because of the heat, Soldiers in the office are allowed to work with their BDU tops off. The female Soldier wears T-shirts that appear to fit her very tightly. Soldiers are continually coming to the operations area inquiring about the "babe" working there. Soldiers not assigned to her shift are requesting to have their schedule changed to the same shift as hers. She was often late for work, took extended breaks, and repeatedly missed suspensions given to her because she was with the CSM. On a regular basis, other Soldiers in the office covered for her and took care of the responsibilities she was given. She spent time, daily, with the CSM at the gym, and they usually would sit together at dinner in the DFAC. The CSM asked the NCOIC to recommend her for the next promotion board.

What is your recommendation?

SITUATION 4

A CPT working in the S3 received a package from another Soldier in the mail. The operations section contained all male Soldiers and one female. The CPT opened his package and then held up its contents—a plastic vagina—to the others in the room. The CPT then placed the item on top of his desk and showed it to those that walked in and out of the operations center.

That night, before the staff meeting, the female Soldier was told that she should not attend the meeting and not to come in the room during the meeting. The female Soldier remained in the area and monitored the radios and messages. She could hear loud laughter and what sounded like whistling coming from the conference room. When the door opened the CPT was carrying the plastic vagina in his hand and placed it back on his desk. As the male Soldiers walked out of the room, they were still laughing. She asked one of them what was all of that about? He stated that they were planning a skit for a farewell for the CPT who was leaving the next day.

What is your recommendation?

[illegible]

[illegible]

VICTIM'S RIGHTS

1. The right to be treated with fairness and with respect for their dignity and privacy.
2. The right to immediate and effective medical care and attention, including long-term follow-up.
3. The right to be protected from the accused offender.
4. The right to be notified of court proceedings.
5. The right to be present at all public court proceedings related to the offense (unless the court determines otherwise).
6. The right to talk with the attorney for the Government in the case.
7. The right to information about the conviction, sentencing, imprisonment, or release of the offender.

PUBLIC AFFAIRS PLAN

USAREUR Public Affairs Sexual Misconduct Campaign 2004

1. Purpose: The purpose of this campaign is to inform, educate, and demonstrate to our internal and external audiences USAREUR's continuing resolve to prevent sexual misconduct; assist and support victims who report incidents to their chain of command, law-enforcement officials, and other Army representatives; and hold those who commit offenses accountable.

a. The Command Information Division, Office of the Chief, Public Affairs (OCPA), HQ USAREUR/7A, will execute a proactive, progressive program to ensure all audiences know sexual misconduct has no place in our Army. The program will include leadership responsibilities, danger periods, and programs in place to help victims.

b. The Media Relations Division, OCPA, will take an active posture that uses every opportunity to stress that sexual misconduct has no place in our Army. The campaign prescribes ways for USAREUR commanders to provide a safe and healthy environment for those in their charge and includes programs in place to help victims.

2. Sexual Misconduct Campaign Theme:

“NOT IN OUR ARMY”

3. Messages:

- Sexual assault is a violent crime that has no place in our Army. It is incompatible with the Army Values and the Warrior Ethos.
- Commanders at all levels are responsible for providing a safe and healthy environment for those in their charge.
- Commanders must take action to prevent sexual misconduct and to protect and support victims.
- Commanders must hold offenders accountable by taking appropriate administrative and judicial actions.
- Commanders will conduct effective, meaningful, preventive sexual-harassment training.
- Victims of sexual assault will be treated with fairness and respect for their dignity and privacy.
- Commanders must ensure victims are aware of the personnel and agencies available to help.
- Victims deserve professional, competent, and compassionate assistance, including long-term follow-up.

- Victims of sexual assault have the right to be notified of court proceedings.
- Victims of sexual assault have the right to information about the conviction, sentencing, imprisonment, and release of the offender.
- Sexual assault is the second most-reported felony in USAREUR. You can reduce your risk of becoming a victim.
- Young Soldiers (private through specialist) are the most likely victims of sexual misconduct. Make responsible choices, use the buddy system, and reduce your risk of sexual assault.
- 76 percent of sexual assaults occur in unlocked barracks or Government quarters. Keep your living area secure.
- 74 percent of sexual assaults (including rape) involve alcohol. Even one alcoholic beverage can impair your judgment.
- Maintain heightened awareness during the “danger hours.” Most sexual assaults occur between 1 and 5 a.m. on Saturday morning, but be aware that sexual assault can occur anytime.
- Do not be a “disinterested party.” Keep this from happening in our Army.

4. Target Audiences:

- Potential victims
- Potential offenders
- Potential witnesses
- Military workforce
- Commanders
- Family members
- Community members
- General public

5. Timeline and Products:

a. End of March. The campaign begins with—

- Bell Sends Message #14-04 (Sexual Assault) posted on the USAREUR Homepage and in area support group newspapers.
- USAREUR G1 radio interview for a USAREUR News Update.
- Stars and Stripes interviews with the USAREUR G1 and responsible agency subject-matter experts (SMEs).

b. Mid-April.

- Print and Web-based articles for command information (CI) products that provide details on danger areas and hours for sexual assault, steps to take if sexually assaulted, and programs available to help victims.
- Broadcast spots and interviews with SMEs that talk about the danger areas and hours, and steps to take to protect yourself from sexual assault.
- The Media Relations Division, OCPA, will market USAREUR initiatives regarding sexual misconduct to additional media, including the Army Times newspaper.
- Sexual Misconduct Web site developed and maintained by the USAREUR G1. Information should include how to report assault, steps to take, and assistance available.

c. May.

- Print and Web-based articles for CI products that discuss the consequences of sexual misconduct for the offender.
- Broadcast spot featuring GEN Bell and CSM Gravens on sexual misconduct: “Not in Our Army, Not in Your Army.”

d. June.

- Print and Web-based articles for CI products that discuss steps that should be taken by the chain of command when someone reports a sexual misconduct.
- Broadcast spot featuring the OJA or OPM on the consequences of sexual misconduct for the offender.

e. July.

- Broadcast spot featuring Soldiers using the Buddy System and discussing sexual misconduct: “Not in MY Army.”
- Broadcast spot featuring medical SME discussing the trauma sexual-assault victims go through and urging people to use the buddy system, lock doors, and take other measures to protect themselves.
- Broadcast spot featuring Soldiers with theme of “Be a Neighbor.” Know what is going on in the barracks; know what is happening in your neighborhood.

6. OCPA POCs: The Media Relations Division POC is LTC Crichton, DSN 370-8694, e-mail: jane.crichton@hq.hqusareur.army.mil. The Command Information POC is Ms. Jackson, DSN 370-6643, e-mail: jacksonc@hq.hqusareur.army.mil.

COMMANDER'S TIPS TO CREATE A SAFE BARRACKS

1. Survey Unit Barracks Areas. Unit commanders should identify doors and windows that do not lock properly and have them repaired. Check all lights, inside and outside, and replace or repair light fixtures and bulbs. Ensure Soldiers have keys to their barracks and barracks room (barracks doors are often left unlocked because a Soldier has lost his or her key). This includes any transient barracks facilities that the unit uses for temporary housing. Work with the base support battalion to eliminate dark areas.

2. Barracks Rules. Unit commanders and leaders should frequently visit barracks—especially during the weekends and during late night and early morning hours. Work with Soldiers living in the barracks to establish their own housing guidelines. These guidelines should address at least the following: visitor control, alcohol use and limitations, parties, noise, personal appearance in and around the barracks, and room assignments. Soldiers who have a say in their own house rules are more apt to follow them. Routinely (perhaps monthly) conduct barracks meetings to address barracks problems and methods to correct those problems. Commanders may want to consider putting a charge of quarters (CQ) in the barracks as a means of added security and supervision for barracks occupants. Checks should include ensuring room doors are locked.

3. Transient Barracks. Transient barracks tend to have little or no supervision and are an environment conducive to sexual assaults. Unit commanders and other leaders should make these barracks a priority to visit to ensure the health and welfare of their Soldiers. Commands who are the predominant users of these facilities should coordinate barracks rules and post them. Emergency telephone numbers (for example, for the police, staff duty noncommissioned officer (SDNCO), fire station) should be posted prominently at the communal telephone area. Commanders should consider not placing newly assigned female Soldiers in transient billets or in barracks where they are alone.

4. New Soldiers. Unit commanders and leaders should ensure all new Soldiers know unit policy and know where to go in the event of an incident in the barracks. If the organization has an SDNCO, new Soldiers should be aware of the SDNCO's location. Consider assigning new Soldiers, and especially new female Soldiers, a buddy. The intent is to have someone to look out for them. Another consideration is to assign a female officer or noncommissioned officer as a mentor to the women in the unit.

5. Soldier Training. Unit commanders and other leaders should conduct education and training in sexual behaviors, attitudes, and misconduct. This can be addressed (as safe driving is) at unit safety briefings before weekends. Invite the local community health nurse to discuss trends in sexually transmitted diseases, the local staff judge advocate to discuss victim rights and the legal aspects of sexual misconduct, and the local provost marshal and Criminal Investigation Division (CID) personnel for discussions about personal protection and trends regarding cases. Commanders should also address alcohol abuse during training as a preventive measure. The best training is finding ways to be creative to get your points across.

6. Knowledge of an Assault. When the unit leadership is made aware of a sexual assault, notify the military police immediately, regardless of when the incident occurred. The immediate involvement of the military police gets the victim into both the investigative system and the medical and psychological care system. Ensure the victim is not left alone, does not bathe or change clothes, and is not asked any questions about the case. Do not discuss the case where others who do not have a need to know can overhear.

7. Family Readiness Groups (FRGs). Commanders should also address sexual assault with FRGs. The same training provided to Soldiers should be made available to FRGs. The community Safe Neighborhood Awareness Program (SNAP) coordinator can provide briefings and assistance for housing areas. Discuss preventive measures with the spouses of deployed Soldiers and provide them POCs in case they need assistance. This is not just for them, but also for teenage children. During deployments, rumors can be a command distracter. Immediately address family concerns to alleviate unnecessary stress. Building a bond and trust with the families of deployed Soldiers will support your mission of caring for your Soldiers.

SEXUAL ASSAULT PREVENTION TIPS

Rape and sexual assault are sensitive subjects that many women prefer not to think about. However, awareness is essential to preventing these crimes.

To protect yourself, always be aware of your surroundings, be alert, and trust your instincts. Leave if a situation or place makes you uncomfortable or uneasy.

Do not drink too much alcohol. Alcohol and other drugs cloud a person's judgment and are often factors in rape cases. Rapes often occur in barracks rooms or quarters where an individual is so drunk that she or he forgets to lock the door, passes out in the room, and is victimized by another occupant of the barracks or a guest.

Sexual-assault victims usually were by themselves, under the influence of alcohol and new to their surroundings, or under the influence of alcohol while partying with other barracks occupants in their rooms with the door to the room left open or unlocked.

Below are tips to reduce your risk of being raped or assaulted.

Going Out

- Go out in a group, never alone (look after one another).
- Come home with the same group.
- Have fun, but do not drink too much alcohol.
- If you do go out alone, ensure someone knows where you are going and when you expect to return.
- Be alert! Walk with confidence and purpose.
- Avoid walking or jogging alone, especially at night. Stay in well-traveled, well-lighted areas.
- Wear clothes and shoes that give you freedom of movement.
- Be careful if anyone in a car asks you for directions. If you answer, keep your distance from the car.
- Have your key ready before you reach the door of your home, car, or office.
- If you think you're being followed, change direction and head for open stores, restaurants, theaters, or a lighted house.

Indoors

- Lock your doors. If you have ground-floor windows, make sure they are locked. Use the wide-angle peephole in the door if it has one, and keep entrances well-lighted.
- Never open your door to strangers. Check the identification of any sales or service people before letting them in. Do not be embarrassed to telephone for verification.
- Beware of isolated spots, including laundry rooms, underground garages, parking lots, and offices after business hours. Walk with a friend, coworker, or security guard, particularly at night.
- Know your neighbors so you have someone to call or go to if you are scared.
- If you come home and see a door or window open or broken, do not go in. Call the military or host-nation police from a public telephone or neighbor's home.

In Your Car

- Park in areas that will be well-lighted and well-traveled when you return.
- Always lock your car when you get in and when you get out.
- Look around your car and in the back seat before you get in.
- If your car breaks down, lift the hood, lock the doors, and turn on your flashers. Use a "Call Police" banner or flares. If someone stops, roll the window down slightly and ask the person to call the police or a tow service.
- Never hitchhike and never pick up hitchhikers.

Rape is about power, control, and anger. It is an act of violence intended to control and degrade using sex as a weapon. It can happen to anyone, and rapists can be anyone—fellow barracks occupants, coworkers, a neighbor or delivery person, or people who are ugly, attractive, outgoing, or shy. The rapist is often a friend or family member. Rapists tend to commit this crime again and again until they are caught.

Victims should report rape or any sexual assault to the military police, their unit chain of command, or to a medical treatment facility. The sooner you report it, the greater the chances the rapist will be caught.

Victims should preserve all physical evidence and not shower, bathe, change clothes, or throw any clothing away until the police or rape counselor says it is okay to do so. Remember, rape is not your fault. Do not accept blame for being an innocent victim.

More information on sexual assault and domestic violence is available on the U.S. Department of Justice Web site at <http://www.ojp.usdoj.gov/vawo/welcome.html> and the National Sexual Violence Resource Center Web site at <http://www.nsvrc.org>.

COMMANDER'S "BATTLE DRILL"

BOTTOM LINE: If a sex crime occurs in your unit, call the military police (MP).

Commander Actions When an Incident is Reported

- 1. Assess the Victim.** Does the victim have injuries that require immediate medical attention? (ambulance telephone # _____)
- 2. Protect the Victim's Privacy.** Take the victim to a quiet place. Do not leave the victim alone. Advise the victim not to bathe, change clothes, or return to the location of the crime. Protect and preserve any potential evidence. Do not ask the victim any questions. If a suspect and witnesses are known, place them in separate locations to prevent them from talking to one another.
- 3. Protect the Crime Scene.** Close and lock the door of the room where the crime occurred. Do not touch anything. Post a guard.
- 4. Make Notifications.** Notify the chain of command, the MP, and (if desired by the victim) the unit chaplain.

MP Actions on Arrival

Assess and protect the victim and the suspect. Protect the crime scene. Identify possible witnesses and the suspect. Await the arrival of Criminal Investigation Division (CID) personnel.

CID Actions on Arrival

Assess the crime scene. Take information from the MP. Make the initial interview of the victim (if appropriate). Identify witnesses and the possible suspect. Transport the victim to the hospital. Process the crime scene and collect evidence. Keep the unit commander informed. Coordinate with the local staff judge advocate (SJA). Advise the victim of his or her rights, and refer the victim to the SJA.

Medical Actions After a Reported Incident

Assess the victim. Place the victim in a separate area to wait for a doctor. Collect evidence using a rape kit. Provide evidence to CID. Test for sexually transmitted diseases and pregnancy. Inform the commander of follow-up actions taken to request counseling and medical needs. Give reports to CID after obtaining legal consent to do so.